

CHAVES COUNTY

SUBDIVISION
ORDINANCE

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ARTICLE 1 GENERAL PROVISIONS

Section 1.1 Title

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

Section 1.2 Authority

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

Section 1.3 Purpose

These Regulations are adopted by Chaves County, hereinafter referred to as "the County" for the following purposes:

- a. To provide for and protect the public health, safety, and general welfare of the County;
- b. To guide the future growth and development of the County in accordance with any official plans adopted by the County;
- c. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;
- d. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- e. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the roads 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 roads;
- f. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land; and
- g. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.

Section 1.4 Jurisdiction

These Regulations shall govern all subdivision of land not within the boundaries of municipalities but within the County. The County and a municipality shall exercise concurrent jurisdiction over the territory within the platting jurisdiction of both the County and the municipality.

Section 1.5 Written Decisions

Whenever the Board of County Commissioners or its delegate is required by these Regulations to make a decision, the decision shall be in writing and supported by findings of fact and conclusions of law which are sufficient for meaningful review.

Section 1.6 Interpretation

The provisions of these Regulations are held to be minimum requirements. Whenever any provisions of these Regulations conflict with other laws, rules, regulations, covenants, or ordinances, the more restrictive shall govern. These Regulations shall be construed broadly to promote the purposes for which they were adopted. The County Zoning Director shall interpret the meaning of the provisions of these Regulations.

Section 1.7 Grandfather Clause

All subdivisions approved by the Board of County Commissioners, statute, or case law prior to July 1, 1996 shall not be subject to the provisions of these Regulations, but to the provisions of any previous decision of the Board of County Commissioners, prior statute, case law, or previously applicable subdivision regulation. However, any lots added to a previously approved subdivision or any further splits of existing lots within previously approved subdivisions are subject to the provisions of these Regulations.

ARTICLE 2 DEFINITIONS

Section 2.1 Rules of Construction In the construction of these Regulations, the following rules shall be observed unless the construction would be inconsistent with the manifest intent of these Regulations:

- 2.1.1 Words and phrases shall be construed according to the context and the approved usage of the language, but technical words and phrases and such other as may have acquired peculiar and appropriate meaning in law shall be construed according to such meaning.
- 2.1.2 Words importing the singular number may be extended to several persons or things, words importing the plural number may be applied to one person or thing, and words importing the masculine gender only may be extended to females.
- 2.1.3 In computing time, the first day shall be excluded and the last included unless the last falls on Saturday, Sunday, or a holiday in which case, the time prescribed shall be extended to include the whole of the following business day.
- 2.1.4 The words "shall" and "will" are mandatory and "may" and "should" are permissive or directory.

Section 2.2 Definitions

ABUT To have a common property line; to touch

ADJOIN To be in contact with; to abut upon

AGRICULTURAL USE The use of land for the purpose of ranching (grazing livestock) or farming (cultivating crops). The term "farm" embraces the farm in the ordinarily accepted sense, and includes stock, dairy, poultry, fish, fruit, trees, forest products, and truck farms and also plantations, ranches, and all land used for farming operations. The term also includes the use of land that meets the requirements for payment or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. All individuals, partnerships, or corporations that cultivate, operate, or manage farms for gain or profit, either as owners or tenants, are designated as farmers

ALLEY A public way used primarily as a secondary or service access to the rear or side of abutting property which may be used for drainage and utility purposes but is not intended for general traffic circulation

ALTERNATIVE DISPOSAL SYSTEM An individual liquid waste disposal system which is not a conventional disposal system. It is commonly used where limiting soil conditions exist. Some examples of alternative disposal systems are deep trench, seepage pit, fill, sand filter, sand mound, evapotranspiration, and land application

ARROYO A dry wash or draw which flows only occasionally

ASSURANCE AGREEMENT A legally binding and enforceable instrument securing the performance of the person tendering the instrument

BEDROCK Consolidated earth materials: includes fractured and cavernous rock

BASE FLOOD The flood having a one percent chance of being equalled or exceeded in any given year

BLOCK An area of land within a subdivision that is entirely bounded by rights-of-way (excluding alleys), river channels, or the exterior boundary or boundaries of the subdivision

BODY OF WATER All water situated wholly or in part within or bordering upon the County of Chaves, whether surface or subsurface, public or private

CANAL A man made ditch or channel that carries water for purposes other than domestic consumption

COMMISSION The Board of Chaves County Commissioners

COMMON PROMOTIONAL PLAN Any plan or scheme of operation, undertaken by a single subdivider (person) or a group of subdividers (persons) 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

COMMUNITY LIQUID WASTE SYSTEM A liquid waste system which receives a design flow of more than two thousand (2000) gallons of liquid waste per day (subject to the Water Quality Control Commission Regulations)

CONTIGUOUS Touching at a point or along a boundary (Refers to adjacent parcels sharing a boundary line or separated only by a road, right-of-way or easement)

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: absorption trenches and seepage beds)

COUNTY The County of Chaves, New Mexico

COVENANT A recorded document stating an agreement entered into by private parties constituting restrictions on the use of all private property within a subdivision or other development

CUL-DE-SAC A local road with only one outlet which culminates in a vehicular turnaround

DEGRADE (a body of water) To reduce the physical, chemical, or biological qualities of a body of water (includes the release of material which could result in the exceeding of standards established in the Water Quality Standards for Interstate and Intrastate Streams, by the Water Quality Control commission Regulations, and by the Drinking Water Regulations)

DESIGN FLOW The liquid waste flow rate for which a liquid waste system must be designed in order to allure acceptable system performance (generally governed by regulations, standards, codes, and accepted references)

DISCLOSURE STATEMENT A statement required to be given to persons acquiring an interest in subdivided land and which complies with the requirement of §47-6-17 NMSA 1978

DRAINAGE CHANNEL Any depression into which storm water flows along a defined course

EASEMENT The right of use over the property of another

EDGE (of a watercourse, canal, or arroyo) That point of maximum curvature at the upper edge of a definite band or, if no bank exists, the highest point where signs of seasonal high water flow exist

ENGINEER A person authorized to practice engineering under the requirements of the New Mexico Engineering and Surveying Practice Act, Sections 61-23-1 through 61-23-32 NMSA 1978

EROSION Soil movement due to wind or water

EROSION CONTROL STRUCTURE Any man made device that prevents or controls erosion

FEMA The Federal Emergency Management Agency

FINAL PLAT [MAP] A map, chart, survey, plat, or replat, certified by a New Mexico registered professional surveyor, which contains a description of the subdivided land with ties to monuments prepared in a form suitable for filing of record

FLOOD COMMISSIONER The Chaves County Flood Commissioner

FLOODPLAIN Any land area susceptible to being inundated by water from storm any source, the limits of which are indicated on the most recent maps published by the Federal Emergency Management Agency (This area is typically called the 100 year floodplain)

FLOODWAY The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot

GROUND WATER Interstitial water which occurs in saturated earth material and is capable of entering a well in sufficient amounts to be utilized as a water supply

HAZARD TO PUBLIC HEALTH The indicated presence in water or soil of chemical, biological, or other agents under such conditions that they may adversely impact human health

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

INDIVIDUAL LIQUID WASTE SYSTEM A liquid waste system which receives a design flow of two thousand (2000) or less gallons of liquid waste per day (subject to the Liquid Waste Disposal Regulations)

LEASE A contract by which a landlord gives to a tenant the use of lands, buildings, etc. for a specified time and for fixed payments

LIQUID WASTE Domestic wastewater (sewage) including non-liquid-carried excreta

LIQUID WASTE DISPOSAL SYSTEM A component of a liquid waste system which disposes of the discharge from a liquid waste treatment system

LIQUID WASTE SYSTEM A system which is designed, constructed, operated, and maintained to receive, treat, and dispose of liquid wastes and usually consists of collection, treatment, and disposal components

LIQUID WASTE TREATMENT SYSTEM A component of a liquid waste system which removes, reduces, or alters the objectionable constituents of liquid waste

LOT OF RECORD A parcel of land that is described by recognized legal means and is either recorded as part of a subdivision or has a recorded instrument

LOT, CORNER A lot which abuts a road right-of-way on two adjacent sides

LOT, DOUBLE FRONTAGE A lot which abuts a road right-of-way on two opposite sides

LOT, INTERIOR A lot other than a corner lot

LOT LINES The property lines bounding a lot of record (front, rear, side)

MUNICIPAL PLANNING AND PLATTING JURISDICTION The area within which a municipality has planning and platting authority (refer to NMSA 3-19-5)

NET LOT SIZE The 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

NMSA 1978 The enabling statutes (laws) of the State of New Mexico, as amended

NONCONFORMING A parcel that was created prior to July 1, 1996 that does not comply with the requirements of these Regulations

OPEN SPACE Ground area which satisfies visual and psychological needs of the community for light and air. It is covered with vegetation, game courts, non-vehicular paths, or incidental buildings provided that such incidental buildings do not cover more than five percent of the ground area.

OTHER CONVEYANCE Any method of transferring ownership of land other than selling or leasing

OWNER Any person or group of persons or any other legal entity having legal title to or sufficient proprietary interest in land

PARCEL Unit of land capable of being described by location and boundaries and not dedicated for public or common use

PERCOLATION RATE The 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

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

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

PRE-APPLICATION SKETCH A map of the proposed subdivision which shows the location of roads and lots with approximate dimensions, existing conditions around the proposed subdivision property, and other relevant site information. The map need not be based upon an accurate and detailed survey of the land

PRELIMINARY PLAT [MAP] A map of a proposed subdivision showing the character and layout of the subdivision and the existing conditions in and around it; the map shall be based upon an accurate and detailed survey of the land

PRIVATE WATER SUPPLY SYSTEM A water supply system that has less than fifteen (15) service connections or serves less than twenty-five (25) individuals

PRIVY A receptacle for non-liquid-carried excreta which allows direct discharge to the soil

PUBLIC WATER SUPPLY SYSTEM A water system which has at least fifteen (15) service connections or serves at least twenty-five (25) individuals (subject to the Drinking Water Regulations)

REPLAT OR 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

REPRESENTATIVE WATER SAMPLE A water sample which can be expected to reflect the current quality of the water proposed for use within the subdivision (a water sample or water quality analysis more than three (3) years old is not considered representative)

RIGHT-OF-WAY A strip of land intended to be used primarily for public access but also used for utilities, or drainage channels, or other public purpose. Right-of-ways are normally a minimum of 60 feet wide

ROAD A general term used to describe a paved or otherwise surfaced right-of-way, County owned or privately owned, which affords a principal means of vehicular access to abutting properties

ROAD-ARTERIAL A road designed to carry large volumes of traffic, has limited direct land access, and provides for efficient vehicular movement for regional traffic in and around the County

ROAD-COLLECTOR A road designed to carry moderate volumes of traffic from local roads to arterial roads or from arterial to arterial roads

ROAD-LOCAL A road of limited continuity designed to carry low volumes of traffic, used primarily for access to abutting properties and the local needs of a neighborhood

ROAD CONSTRUCTION STANDARDS Standards for the construction of roads within a subdivision are defined in the Chaves County Road Policy and are considered a part of this definition

ROADWAY That portion of the road right-of-way available for vehicular traffic

SEASONAL HIGH GROUND WATER TABLE The highest level to which the upper surface of the ground water may be expected to rise within a one (1) year period

SELL To exchange for money or its equivalent

SETBACK The shortest allowable distance between a property line and the foundation, wall, eave, or main frame of a building or structure

SOIL SURVEY A national cooperative soil survey conducted by the USDA Natural Resources Conservation Service in cooperation with the state agricultural experiment station and other federal and state agencies, or any other survey containing information of comparable quality and detail following the national standards for an Order 2 survey

SOLID WASTE Any garbage, rubbish, or other discarded material which results from residential, commercial, institutional, industrial, or recreational activities. (systems for the collection, transportation, and disposal of solid waste are subject to the Solid Waste Management Regulations)

STREET See ROAD

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, whether immediate or future; however, "subdivision" does not include:

1. sale, lease, or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years;
2. sale or lease of apartments, offices, stores or similar space within a building;
3. division of land within the boundaries of a municipality;
4. division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
5. division of land created by court order where the order creates no more than one parcel per party;
6. division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities;
7. division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;
8. division of land to create burial plots in a cemetery;
9. division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member;
10. division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division of land is not the result of a seller-financed transaction;
11. sale, lease, or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
12. division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501 (c) (3) of the United States Internal Revenue Code of 1986, as amended; school, college, or other institution with a defined curriculum and a student body and faculty which conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity; or
13. sale, lease, or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period, provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease, or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey shall be filed with the County Clerk indicating the five (5) year holding period for both the original tract and the newly created tract.

SURVEYOR A person authorized to practice surveying under requirements of the New Mexico Engineering and Surveying Practice Act, Sections 61-23-1 through 61-23-32 NMSA 1978

TERRAIN MANAGEMENT The control of floods, drainage, and erosion, and measures necessary to adapt proposed development to existing soil characteristics and topography

TIME OF PURCHASE, LEASE, OR OTHER CONVEYANCE Time of signing any document obligating the person signing the document to purchase, lease, or otherwise acquire a legal interest in land

TOTAL DESIGN FLOW The sum of liquid waste design flows for all liquid waste systems on a lot (the maximum total design flow (gallons per day) permitted on any lot is determined by multiplying the lot size (acres) by five hundred (500))

TRACT A continuous expanse of land which could be subdivided into several lots, parcels, plots, etc

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) or more, but not more than four hundred ninety-nine (499) parcels, any one of which is less than ten (10) acres in size

TYPE THREE A SUBDIVISION Any subdivision containing not more than five (5) parcels any one of which is less than ten (10) acres in size

TYPE THREE B SUBDIVISION Any subdivision containing not less than six (6) and not more than 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 not more than twenty-four (24) parcels, each of which is ten (10) acres or more in size

Types of Subdivisions

Type	Number of Parcels	Size of Smallest Parcel
One	500 or more	Less than 10 acres
Two	25 to 499	Less than 10 acres
Three A	2 to 5	Less than 10 acres
Three B	6 to 24	Less than 10 acres
Four	25 or more	10 acres or more
Five	2 to 24	10 acres or more

UNMARKED BURIAL GROUND A location where there exists a burial or burials of any human beings that are not visibly marked on the surface of the ground in any manner traditionally or customarily used for marking burials (includes any funerary object or artifact buried, entombed, or sepulchered with a human body or skeletal remains)

VACATION Act of rescinding (canceling) all or part of a recorded subdivision plat, including legal descriptions and grants of easements

VARIANCE Any deviation from these Regulations approved by the County Planning and Zoning Commission and the Board of County Commissioners

WATERCOURSE Any river, creek, spring, stream, arroyo, or any other like body (or channel) having definite banks and bed with visible evidence of at least an occasional flow of water

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

ARTICLE 3 PRE-APPLICATION PROCESS

Section 3.1 Pre-Application Procedure

- 3.1.1 Conference 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 herein. 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.
- 3.1.2 Summary procedure conference All proposed subdivisions which qualify for approval under the summary procedure provided in Article Seven of these Regulations shall begin with a pre-application conference.
- 3.1.3 Scheduling At the request of the subdivider, the County Zoning Director shall schedule a pre-application conference in order for the subdivider to meet with appropriate County representatives and to become acquainted with the necessary requirements for subdivision review and approval.
- 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 or determinations made during the pre-application conference.
- 3.1.6 Application/forms At the request of the subdivider, the County Zoning Director 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 roads 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 shall 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;
 - f. location of any designated 100 year floodplains;
 - g. location of existing utilities, roads, and water courses within 300 feet of the boundaries of the subdivision

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 B, and Type Four subdivisions. Type Three A and all Type Five subdivisions are subject to review under the summary procedure set forth in Article Seven 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 Zoning Director, and upon payment of the required administrative fees.
- 4.1.3 Plat deemed complete Upon receipt of the application, fees, preliminary plat, and supporting documentation, the County Zoning Director 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 (30) calendar days after the date of application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be notified and be given time to correct the deficiencies and return the preliminary plat for consideration. If sufficient information is not received by the County within six months of the date of initial notification, resubmittal of a new application accompanied by an entirely new subdivision package will be required.

Section 4.2 Agency Review

- 4.2.1 Plat transmittals Within ten (10) calendar days after the date that the preliminary plat is deemed complete, the County Zoning Director 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 review and opinions of:
- a. New Mexico State Engineer Office
 - b. New Mexico Environment Department
 - c. New Mexico Highway and Transportation Department
 - d. Soil and Water Conservation Districts
 - e. Chaves County Flood Commissioner
 - f. Any other public agencies the County considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.
- 4.2.2 Agency response The state and local agencies shall have thirty (30) calendar days from the date of their receipt of the preliminary plat to review and return an opinion regarding the preliminary plat. The County Zoning Director shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency.

- 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) calendar days following the receipt of such favorable opinion. If the County does not receive a requested opinion within the specified thirty (30) calendar days, it shall proceed with the required public hearing.
- 4.2.4 Adverse opinion If any opinion from a public agency is adverse, the reason for the opinion shall cite the law or regulation used for the basis of the opinion and shall state why and/or how the proposal does not comply with the law or regulation. The County Zoning Director shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the County within thirty (30) calendar days to respond to the concerns of the appropriate agency. The County Zoning Director shall forward such additional information upon receipt to the appropriate agency which shall have thirty (30) calendar days after the date the subdivider submits the additional information in order to revise its opinion. The County Zoning Director 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) calendar 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) calendar days after the date the subdivider submits the additional information, it shall proceed with the required public hearing. When a public agency has rendered an adverse opinion, the subdivider has the burden of showing that the adverse opinion is incorrect either as to factual or legal matters.

Section 4.3 Public Hearings on Preliminary Plats

- 4.3.1 Scheduling The County shall conduct a public hearing after receipt of all requested opinions within the time periods specified in Appendix B-2 of these Regulations.
- 4.3.2 Notice A notice of public hearing shall be published in a newspaper of general circulation in the County at least twenty-one (21) calendar days prior to the hearing date 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; and
 - d. place and manner for interested persons to get copies of any favorable or adverse opinion and of the subdivider's proposal and the fee for each copy.
- 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 or within 200 feet of 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.
- 4.3.5 Action Within thirty (30) calendar days after the public hearing, the Board of County Commissioners shall approve, approve with conditions, or disapprove the preliminary plat at a public meeting, the date, time, and place of which shall be announced publicly at the conclusion of the public hearing. The County Zoning Director shall inform the subdivider in writing of the decision of the Board of County Commissioners.
- 4.3.6 Approval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide in the preparation of the final plat.

Section 4.4 Expiration of Preliminary Plat

- 4.4.1 Expiration An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Upon request by the subdivider, an additional period of no more than twelve (12) 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 thirty-six (36) months after the date of the filing of each final plat. The number of phased final plats shall be determined by the Board of County Commissioners at the time of the approval or conditional approval of the preliminary plat.
- 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 thirty-six (36) months.
- 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 is intended to 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 and utility easements to each parcel, including entry and exit for emergency vehicles, and there is adequate access to adjoining parcels;
 - f. terrain management protects against flooding, inadequate drainage and erosion;
 - g. there are protections for cultural properties, archaeological sites, and unmarked burial grounds that may be directly affected by the subdivision;
 - 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, at a minimum, shall include:
- a. water supply plan including conservation, water quality, and fire protection components;
 - b. liquid waste disposal plan;
 - c. solid waste disposal plan;
 - d. accessibility of site to roads and utilities;
 - e. terrain management plan;
 - f. cultural properties protection;
 - g. subdivider's policies regarding open space and park areas, including the number, location, and responsibility and timeline for developing and maintaining these areas;
 - h. any proposed commercial or industrial areas and the criteria used to determine the size and location of these areas;
 - i. any proposed covenants, conditions, or restrictions to be used within the subdivision; and
 - j. names and addresses of all persons owning property within 200 feet of the boundaries of the proposed subdivision.
- 4.5.3 Documentation specifications The subdivider shall submit twenty (20) copies of the preliminary plat and supporting documentation for local review and distribution to public agencies. Preliminary plat maps shall be prepared at a scale of two-hundred (200) feet to one (1) inch or larger. Sheets shall be numbered in sequence if more than one sheet is used. A vicinity map showing the general location of the subdivision shall be included on the cover sheet of the plats.

- 4.5.4 Map specifications At a minimum, the preliminary plat map shall show the following:
- a. title, scale, north arrow, and date;
 - b. existing topography and any regrading plans, indicating contour intervals sufficient for planning purposes;
 - c. existing and proposed boundary lines, with bearings and distances, for the subdivision;
 - d. proposed lot lines, with dimensions and lot and block numbers, and acreage of each lot;
 - e. the location, dimensions, and purpose of existing and proposed easements;
 - f. names and right-of-way widths of existing and proposed roads on and adjacent to the land within the subdivision;
 - g. existing and proposed utilities on and adjacent to the site;
 - h. locations, dimensions, and purpose of any land to be dedicated to the public use, including any improvements to be made to that land;
 - i. location of subdivision in relation to well-known landmarks, including a vicinity map;
 - 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, the engineer(s), and the surveyor;
 - m. legal description of record including the section, township, and range within which the subdivision is located;
- 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 accordance with the standardized format provided in Appendix D of these Regulations. A disclosure statement shall be required for all subdivisions. The purpose of the disclosure statement is to permit the prospective purchaser, lessee, or other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease, or other conveyance of the land.

Section 4.6 Zoning Requirements

- 4.6.1 In that part of the Roswell-Chaves County Extraterritorial Zone lying north of the center line of Brasher Road and its east-west extensions, developers may present, for consideration for approval, subdivisions with lots smaller than five acres if they provide a community water system with valid, adjudicated water rights sufficient for domestic use and fire flow and a community liquid waste disposal system both of which meet the requirements of the New Mexico Environment Department, the New Mexico State Engineer Office, and these Regulations. All roads must meet the minimum specifications for road construction as defined in these Regulations. If the subdivider elects to develop by stages according to an approved Master Plan, each stage shall be developed as described in these Regulations.

- 4.6.2 Subdivisions that are located in a 5 acre minimum area and propose lots that are less than 5 acres shall comply with the applicable zoning requirements prior to subdivision approval.
- 4.6.3 Subdivisions that are located within any areas of special zoning requirements, such as the DSB Overlay Zone (area of severe depletion of the shallow water basin) or the LDN Overlay Zone (areas of high noise levels associated with the Roswell airport), shall comply with the applicable zoning requirements prior to subdivision approval.

ARTICLE 5 REQUIRED IMPROVEMENTS

Section 5.1 Construction of Required Improvements

- 5.1.1 Improvement requirements The subdivider shall install and construct such improvements, as are required by these Regulations, in the manner prescribed and to the Design and Construction Standards provided by these Regulations. Approval of the preliminary plat is authorization for the subdivider to proceed with the minimum improvements required by these Regulations. Prior to the construction of any improvements or the submission of any bond or other improvement guarantee, the subdivider shall furnish the County with all plans and specifications necessary for the construction of such improvements. These plans and specifications shall be reviewed by the County Engineer/Road Superintendent and, if in accordance with these Regulations, shall be approved, allowing the subdivision development to proceed.
- 5.1.2 Design and construction standards The Chaves County Road Design and Construction Standards are established by these Regulations and the Chaves County Road Policy.
- 5.1.3 Other design standards The Agency guidelines presented in Appendix C are established by these Regulations as standards for subdivision development in Chaves County.

Section 5.2 Road Design Standards

- 5.2.1 General requirements Roads shall be of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire, and road maintenance equipment and shall be aligned and designed to:
- preserve and protect natural features, vegetation, environment, public health and safety;
 - conform as much as possible to the topography to permit efficient drainage and utility systems and to require the minimum number of roads necessary to provide convenient and safe access to property;
 - extend to the boundary lines of the tract to be subdivided, unless prevented by physical conditions or unless such extension is not necessary or desirable for the coordination of the subdivision with the existing layout or most advantageous future development of adjacent tracts; and
 - provide for appropriate continuation, connection to, or completion of any existing or proposed road being properly integrated within the County's road classification system.
- 5.2.2 Geometric standards The following table sets forth the geometric design standards for roads for all types of subdivisions:

TABLE 5-A GEOMETRIC STANDARDS FOR ROADS

Road Classification	Dimensions in Feet
	Minimum Width of Right-of-Way
Local Road	60
Collector Road	80
Arterial Road	100
	Minimum Width of Road Surface (Includes Shoulders)
Local Road	28
Collector Road	32
Arterial Road	52
	Minimum Radius of Curve ($e = 0.08$)
Local Road	250
Collector Road	470
Arterial Road	985
	Minimum Length of Tangent Between Reverse Curves
Local Road	150
Collector Road	150
Arterial Road	250
	Minimum Intersection Sight Distance
Local Road	300
Collector Road	400
Arterial Road	500
	Maximum Grade of Road
Local Road	10%
Collector Road	8%
Arterial Road	6%
	Minimum Turnaround
Right-of-Way (diameter)	100
Road Surface	85
	Maximum Length of Cul-de-Sac
Permanent	1000
Temporary	2300

5.2.3 Road surfacing and improvements After all underground utilities have been installed, the developer shall construct the minimum road improvements as required by these Regulations. The roadway surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. All road surfaces, shoulders, drainage improvements, and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by Chaves County and shall be incorporated into the construction plans required to be submitted by the developer to the County.

- a. all roads within Type One, Type Two, or Type Three subdivisions containing any parcel which is one (1) acre or less in size shall be constructed with concrete curbs, gutters, and sidewalks. The roadway surface shall consist of a minimum of six (6) inches compacted subgrade, six (6) inches of compacted processed base coarse, and three (3) inches of plant mix bituminous pavement.
- b. all roads within Type One, Type Two, or Type Three subdivisions containing any parcel which is less than five (5) acres but more than one (1) acre in size shall be constructed with roadside drainage ditches in lieu of concrete curbs and gutters. The roadway surface shall consist of a minimum of six (6) inches of compacted subgrade, six (6) inches of compacted processed base coarse, and a double penetration bituminous chip seal.
- c. all roads within all subdivisions where all parcels are five (5) acres in size or larger shall be constructed with roadside drainage ditches in lieu of concrete curbs and gutters. The roadway surface shall consist of a minimum of six (6) inches of compacted subgrade and six (6) inches of compacted and processed base coarse gravel.

5.2.4 Railroads and limited access highways Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- a. in residential districts, a buffer strip of at least 25 feet in depth shall be provided adjacent to the railroad or limited access highway right-of-way. This strip shall be part of the platted lots and may be included in the calculation of the lot size. This strip shall be designated on the plat: "This strip is reserved for screening. The placement of structures is prohibited."
- b. in districts zoned for business, commercial, or industrial uses, the nearest road extending parallel to the railroad or limited access highway right-of-way shall be at a sufficient distance to ensure suitable depth for development.

5.2.5 Intersections

- a. roads shall be laid out so as to intersect as nearly as possible at right angles. An oblique road shall be curved approaching an intersection and shall be approximately at right angles for at least 100 feet from the intersection. Multiple intersections involving the junction of more than two roads are prohibited.
- b. proposed new intersections along one side of an existing road shall coincide with any existing intersections on the opposite side of the existing road. Road jogs with centerline offsets of less than 200 feet shall not be permitted.

- c. the minimum turning radius at the intersection of two local roads shall be at least 25 feet. The minimum turning radius at an intersection involving a collector road shall be at least 30 feet. The minimum turning radius at an intersection involving an arterial road shall be at least 35 feet.
- 5.2.6 Bridges Bridges of primary benefit to the subdivider, as determined by the County Commissioners, shall be constructed at the full expense of the subdivider without reimbursement from Chaves County. The shared expense for the construction of bridges not of primary benefit to the subdivider, as determined by Chaves County, will be fixed by special agreement between Chaves County and the subdivider.
- 5.2.7 Alleys Where alleys are provided, minimum right-of-way widths shall be twenty (20) feet and surfaces shall be suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. The type of surface shall conform to the standards and specifications adopted by the County.
- 5.2.8 Road dedications and improvements
- a. where a subdivision is adjacent to an existing County maintained road which, in accordance with the County's road classification system, has insufficient right-of-way, the subdivider shall dedicate, at his or her expense, a proportionate share of the additional right-of-way width.
 - b. where a road lies wholly within a subdivision, the subdivider shall, at his or her expense, dedicate the entire right-of-way width and improve the full width of the road.
 - c. where a subdivision is adjacent to a road that is not County maintained and which, in accordance with the County's road classification system, has insufficient right-of-way, the subdivider shall dedicate, at his or her expense, a proportionate share of the right-of-way width and shall improve the roadway in accordance with County road construction standards.
- 5.2.9 New perimeter roads Road systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-roads. Where an existing half-road is adjacent to a new subdivision, the other half of the road shall be improved and dedicated by the subdivider of the new subdivision. The County may authorize a new perimeter road where the subdivider improves and dedicates the entire required road right-of-way width within his/her own subdivision boundaries.
- 5.2.10 Open range In areas that are determined to be in "open range", the developer shall be required to provide fencing, cattle guards, and gates around the perimeter of the subdivision in accordance with all applicable county, state, or federal standards and regulations.
- 5.2.11 Frontage roads Where a frontage road is proposed, its full width shall be dedicated and improved as required by these Regulations at the full expense of the subdivider.

5.2.12 Road development

- a. roads within a subdivision shall be constructed only on a schedule approved by the Board of County Commissioners. In approving or disapproving a subdivider's road construction schedule, the Board of County Commissioners shall consider:
 1. the proposed use of the subdivision;
 2. the period of time before the roads will receive substantial use;
 3. the period of time before construction of homes will commence on the portion of the subdivision serviced by the road;
 4. the County regulations governing phased development; and
 5. the needs of prospective purchasers and lessees in viewing the land within the subdivision.
- b. all proposed roads must conform to minimum County design standards as defined in the Chaves County Road Policy.
- c. the Board of County Commissioners shall not approve the grading or construction of roads unless and until the subdivider can reasonable demonstrate that the roads to be constructed will receive use and that the roads are required to provide access to parcels or improvements within twenty-four (24) months from the date of construction of the road.
- d. it is unlawful for a subdivider to grade, or otherwise commence construction of roads unless such construction conforms to the schedule of road construction approved by the Board of County Commissioners.

Section 5.3 Drainage and Storm Sewers

- 5.3.1 General requirements The subdivider shall make adequate provisions for storm or flood water runoff. Storm water drainage facilities shall conform to the criteria in Appendix C-4, Terrain Management. Any storm water drainage system shall be separate and independent of any sanitary sewer system.
- 5.3.2 Floodplain areas Structures which may restrict or impede the free flow of storm water runoff shall not be erected within a floodplain area except as approved by the Chaves County Flood Commissioner. All construction within floodplain areas shall be in accordance with the standards described in the Chaves County Flood Prevention Ordinance No 9 and CFR 44, Ch. 1, Part 60.
- 5.3.3 Drainage easements Where a subdivision is traversed by a watercourse, drainage way, channel, or stream or when a drainage channel or facility proposed by the subdivider cannot be contained within the road right-of-way, a storm water easement or drainage right-of-way shall be provided by the subdivider. Such easement or right-of-way shall substantially conform to the lines of such watercourse or drainage facility and be of such width as to adequately contain the facility, provide access to the facility and allow adequate area for maintenance of the facility. When it is necessary for a proposed drainage system to cross private land outside the subdivision, appropriate drainage rights must be secured by the subdivider. All drainage easements and rights-of-way shall be indicated on all drainage plans, subdivision plats, and in the subdivision's disclosure

statement. The subdivider shall dedicate, either in fee or by drainage or conservation easement of land, all drainage easements or rights-of-way to the County.

Section 5.4 Water Facilities

5.4.1 General requirements

- a. Where public or approved central water supply is available, a system shall be designed by New Mexico registered professional engineers to furnish an adequate supply of water to each lot, with adequate main size and fire hydrant locations to serve the area. Such systems shall be approved by the New Mexico Environment Department in accordance with adopted standards and specifications.
- b. Where public or approved central water supply is unavailable, water systems conforming with the approved water supply plan shall be designed by New Mexico registered professional engineers and shall be approved by the State Authorities having jurisdiction.
- c. All water wells shall be constructed in accordance with State Engineer regulations and be finished with the top of the well casings at a minimum elevation of one (1) foot above the existing grade. Any well located in a floodplain area shall be finished with the top of the well casing a minimum of one (1) foot above the Base Flood Elevation (BFE) of the floodplain. All wells shall be protected by a concrete slab with a minimum size of three (3) feet by three (3) feet by eighteen (18) inches deep.

- 5.4.2 Fire hydrants Fire hydrants shall be required for all subdivisions served by public or approved central water supply systems. Fire hydrants shall be located in accordance with Chaves County specifications. To eliminate future road openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a road shown on the subdivision plat.

Section 5.5 Sewerage Facilities

- 5.5.1 Public sewer available Where a public sewer system is available or within 300 feet of the subdivision boundary, sanitary sewers shall be provided by the subdivider. The sanitary sewer facility shall be designed by a New Mexico registered professional engineer and shall provide a connection to each lot. Such systems shall be approved by the New Mexico Environment Department in accordance with adopted standards and specifications.
- 5.5.2 Community liquid waste system All Type One, Type Two or Type Three subdivisions containing any parcel which is one (1) acre or less in size shall be provided with a community liquid waste treatment system. The community system shall be designed by New Mexico registered professional engineers and constructed to comply with all applicable NMED Water Quality Control Commission Regulations in effect at the time of final plat approval and shall be approved by the State Authorities having jurisdiction.

5.5.3 Individual liquid waste system Any subdivision containing parcels all of which are five (5) acres or more may propose individual liquid waste systems for each parcel. The proposed systems shall be designed and constructed to comply with all applicable NMED Water Quality Control Commission Regulations in effect at the time of final plat approval and shall be approved by the State Authorities having jurisdiction.

Section 5.6 Sidewalks

5.6.1 Required improvements Concrete sidewalks shall be included within the dedicated non-pavement rights-of-way of all roads that are required to have curbs and gutters and shall be installed prior to the occupancy of the lot which the sidewalk serves. Concrete sidewalks shall be placed either flush with the curb or at the property line as follows:

<u>Road Type</u>	<u>Sidewalk Requirement</u>
Local Road	Both sides, 5 feet wide, flush with the curb
Collector Road	Both sides, 5 feet wide, flush with the curb
Arterial Road	Optional. 5 feet wide, at the property line.

Section 5.7 Utilities

5.7.1 Location All utility facilities, including but not limited to gas, electric power, telephone, and cable television should be located underground throughout the subdivision wherever practicle.

5.7.2 Easements In subdivisions without alleys, easements twenty (20) feet in width shall be provided along one side or the other of the common rear property lines of abutting lots. These easements shall not be centered on the rear lot lines.

Section 5.8 Improvement Guarantees

5.8.1 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.

5.8.2 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 125 percent of the estimated cost of the required improvements. This guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the Board of County Commissioners.

- 5.8.3 Inspection and acceptance of improvements The subdivider shall provide the County with a certification from a New Mexico registered professional engineer that all required improvements have been completed in accordance with County specifications. The County shall then inspect the improvements and, if they are acceptable, provide the subdivider with a release of guarantee and notice of acceptance of the improvements for all lots created by the subdivision.
- 5.8.4 Partial release of guarantee The County shall provide the subdivider with a release of guarantee for a portion of the lots created by the subdivision plat provided that all of the improvements required in connection with such lots have been satisfactorily completed and accepted for dedication, and provided further that such improvements can be used and maintained separately of the improvements required for the entire subdivision plat.
- 5.8.5 One year construction warranty If, after final inspection and acceptance of work performed and prior to the expiration of one year from the date of acceptance or such longer period of time as may be prescribed by law or by the terms of any applicable special guarantee required by the contract documents associated with the approval of the subdivision, any work found to be defective, whether failure is due to construction or materials failure, the subdivider shall promptly and without cost to the County, in accordance with the County Engineer's written instruction, either correct such defective work or, if it has been rejected by the County Engineer, remove it from the site and replace it with the terms of the instructions. The County may have the defective work corrected or the rejected work removed and replaced and all direct and indirect cost of such removal and replacement, including compensation for additional professional services, shall be paid by the subdivider. All subdivisions shall be insured by a One Year Warranty of Improvements which shall obligate the subdivider to repair to County standards any improvements which fail within one year of the County's final acceptance of the improvements. In order to insure compliance with this regulation, all work performed in the construction of required improvements of a subdivision shall be subject to a warranty binding the subdivider to such terms as are mentioned above. The warranty shall be in a format approved by the County.

ARTICLE 6 FINAL PLAT REVIEW PROCESS

Section 6.1 Final Plat Submittal

- 6.1.1 Conformity Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the subdivider shall prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. Subdivisions proposed to be phased in multiple final plats shall be submitted as indicated on the phasing schedule approved with the preliminary plat.
- 6.1.2 Plat deemed complete A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these Regulations. Final plat submittal is initiated by completing an application on a prescribed form available from the County Zoning Director, who 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) calendar days after the date of application. If the final plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be notified and will be given time to correct the deficiencies and return the final plat for consideration. Subject to the preliminary plat expiration requirements of Article 4 of these Regulations, if the resubmittal of the final plat is not received by the County within six (6) months of the date of the notification, a new application and new final plat submittal package will be required.

Section 6.2 Decision on Final Plat

- 6.2.1 Action Final plats submitted to the County for approval shall be approved or disapproved by the Board of County Commissioners at a public hearing within thirty (30) calendar days after the date the final plat is deemed complete by County staff.
- 6.2.2 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.
- 6.2.3 Improvement agreement If, at the time of approval of the final plat, any public improvements have not been completed by the subdivider as required by these Regulations, the Board of County Commissioners shall, as a condition preceding approval of the final plat, require the subdivider to assure the construction of the required improvements after final plat approval in accordance with Section 5.8 of these Regulations.
- 6.2.4 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) calendar days after that notice,

the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the final plat has been approved.

Section 6.3 Final Plat Data Requirements

- 6.3.1 Filing specifications One (1) original and two (2) copies of the final plat map shall be submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Final plats shall be drawn at a scale of two-hundred (200) feet to one (1) inch or larger and printed on eighteen by twenty-nine (18 x 29) inch sheets. When more than one sheet is used to include the entire subdivision, all sheets shall be cut to the same size and shall show appropriate references to other sheets of the subdivision. The subdivider shall also submit ten paper copies of the final plat and accompanying information.
- 6.3.2 Plat specifications At a minimum, the final plat map shall include the following information:
- a. name of subdivision, scale, north arrow, date, and vicinity map;
 - b. a description of all monuments found or set and basis of bearing used in the survey in accordance with the current Minimum Standards for Surveying in New Mexico and subsequent advisory opinions issued by the NM Board of Registration for Professional Engineers and Surveyors;
 - c. subdivision boundary lines, easement and right-of-way lines, and property lines of all parcels and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves, and area of all parcels;
 - d. easements and rights-of-way providing evidence of legal access and utility easements to the subdivision from off-site; name, right-of-way width, and dimensions of each road or other right-of-way within the subdivision; if the access is based upon an agreement, the recording data for the agreement including type of book, book number, and page number;
 - e. the recording data of the instrument of title of the subdivision to include owner of record, type of instrument, book and page number. Recording data of all adjoining tracts to include owner of record, type of instrument, book and page number, or if adjoiners are in an existing subdivision, lot and block of existing recorded subdivision with plat book and page;
 - f. location, dimensions, and purpose of all easements, including irrigation easements and dedicated public sites, including statements of dedication for the use and benefit of the public;
 - 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 parcels, including type of instrument, and book and page number;
 - i. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
 - j. the signatures, with proper acknowledgement, of the owner or owners of the subdivision, and the developer if other than the owner (must contain a note that

indicates that all of the signatures were obtained after all revisions were made to the final plat);

- k. the certification of a New Mexico registered professional surveyor attesting to the accuracy of the plat, stating that the survey and plat meet the Minimum Standards for Surveying in New Mexico, including the date of the survey; and
- l. legal description of record indicating the section, township, and range within which the subdivision is located.
- m. a legend describing the graphical elements of the plat, including the building setback lines for all lots within the subdivision;
- n. any general notes which are needed to explain any unusual features, inclusions, or circumstances regarding the plat;
- o. spaces for certification and attesting by the appropriate approving governmental agencies
- p. spaces for concurrence of all utility companies for size and location of easements; and
- q. space for recording by the Chaves County Clerk.

6.3.3 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 legal description of the parcel(s) and the recording information of the official final plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land before sale, lease, or other conveyance.

6.3.4 Dedication The final plat shall contain a certificate stating that the Board of County Commissioners has accepted, accepted subject to improvement, or rejected, on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication. All roads and public ways open to the public use, and not specifically marked "Not offered for dedication" shall be irrevocably offered for dedication on recording of the final plat. The Commissioners may refuse to accept any land dedicated for public use within a plat. The acceptance of a public dedication by the County does not imply that the County will maintain the dedicated land. The final plat to be filed shall clearly state on its face that the subdivider has agreed to build the roads within the subdivision in full conformance with County road construction standards. Upon full conformance with the County road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the office of the County Clerk or a resolution of acceptance by the Board of County Commissioners is filed in that office.

6.3.5 Disclosure statement For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix D of these Regulations. It is unlawful to sell, lease, or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners, and the Attorney General's Office; and the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the

disclosure statement. The disclosure statement shall be filed in the County Clerk's office at the same time as the final plat is filed.

- 6.3.6 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.
- 6.3.7 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.
- 6.3.8 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.
- 6.3.9 Recording The final plat is in full force and effect only after having been recorded in the office of the County Clerk within thirty (30) calendar days after the date of approval by the Board of County Commissioners. The final plat may not be recorded until all improvements have been made or unless a letter of credit, bonding, or a cashier's check covering the cost of improvements has been submitted and approved by the County Commissioners.
- 6.3.10 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 be required to provide a copy of the water permit issued by the State Engineer for subdivision water use prior to final plat approval. (Refer to Appendix C-1)

Section 6.4 Advertising Standards

- 6.4.1 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) calendar days after initial use by the subdivider.
- 6.4.2 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 6.5 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:

- 6.5.1 Final plat approval The final plat shall be approved by the Board of County Commissioners and shall be filed with the County Clerk. 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.
- 6.5.2 Relevant documents The subdivider shall furnish the Board of County Commissioners a sample copy of sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land.
- 6.5.3 Monuments All corners of all parcels and blocks within a subdivision shall be marked with metal stakes in the ground in accordance with Minimum Standards for Surveying in New Mexico and a reference stake placed beside one corner of each parcel.
- 6.5.4 Construction/financial assurance The improvements required on the final plat must be in place, inspected, and approved by the County Road Department or the subdivider must provide a letter of credit or a cashier's check in an amount sufficient to cover the construction of the required improvements.

Section 6.6 Recording Parcels

- 6.6.1 Authority §47-6-9(A)(17) NMSA 1978 requires counties to enact regulations for recording all conveyances of parcels with the County Clerk.
- 6.6.2 Purpose Recording conveyances of parcels provides lenders and any person interested in acquiring land 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.

- 6.6.3 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, or other document of conveyance with the County Clerk no later than five (5) calendar days after the closing or thirty (30) calendar days after the date on which the document is signed, whichever comes first. A memorandum of lease may be recorded in lieu of recording the lease itself, as provided in §14-9-1 NMSA 1978.
- 6.6.4 Form and certification Any deed, lease for an initial term plus option terms in excess of five (5) years, 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. For any parcel that is located in an unincorporated part of Chaves County and is not located in an officially approved subdivision, a Certification of Filing shall be recorded with the County Clerk along with the deed, lease, real estate contract, or other conveyance document unless an Entitlement of Exemption or Claim of Exemption is required.
- 6.6.5 Plat attachment Attached to the deed, lease, real estate contract, or other document of conveyance shall be a legal description of the parcel and the recording information of the official final plat.

ARTICLE 7 SUMMARY REVIEW PROCESS

Section 7.1 Summary Review Procedure

- 7.1.1 Qualifications The following types of subdivisions shall be submitted to the County for approval under summary review procedure:
- a. Type Three A subdivisions (unless the land within a subdivision has been previously identified in the County Comprehensive Plan or County Zoning Ordinance as an area subject to unique circumstances or conditions that require additional review or was previously created by summary review procedure); and
 - b. all Type Five subdivisions.
- 7.1.2 Conference required A pre-application conference is required before application for summary review and approval. The pre-application process is described in Article Three of these Regulations.
- 7.1.3 Application/fees A subdivider shall prepare a summary plat and supporting documentation in accordance with the requirements provided in these Regulations. The summary review plat shall be considered as a final plat suitable for filing with the County Clerk. Summary plat submittal is initiated by completing an application on a prescribed form obtainable from the County Zoning Director, and upon payment of the required administrative fees.
- 7.1.4 Plat deemed complete On receipt of the application, fees, summary plat, and supporting documentation, the County Zoning Director shall review all materials in order to determine if the summary plat is ready to begin the review process. If there are no deficiencies, the summary plat will be deemed complete for review by written notice to the subdivider within thirty (30) calendar days after the date of application. If the summary plat is incomplete or does not comply with the submittal requirements, the subdivider shall be notified and given a time to correct the deficiencies and return the summary plat for consideration. If the additional information is not received by the County within six (6) months of the date of the notification, resubmittal of a new application accompanied by an entirely new subdivision package will be required.
- 7.1.5 Agency review When the County Zoning Director determines that review by an outside agency is necessary to ensure complete review, the Director shall forward a copy of the summary plat and supporting documentation to the appropriate agency. The agency shall have thirty (30) calendar days from their receipt of the summary plat to review and return an opinion. When an adverse opinion is received from an outside agency, additional information must be submitted by the subdivider. If any opinion from a public agency is adverse, the reason for the opinion shall cite the law or regulation used for the basis of the opinion and shall state why and/or how the proposal does not comply with the law or regulation. The County Zoning Director shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the County within thirty (30) calendar days to respond to the concerns of the appropriate agency. The County Zoning Director shall forward such additional information upon receipt to the appropriate agency which shall have thirty (30) calendar days after the date the subdivider

submits the additional information in order to revise its opinion. The County Zoning Director shall obtain receipts or other proof showing the date the additional information was received by each state or local agency.

- 7.1.6 Review and approval Summary plats submitted to the County for approval shall be approved or disapproved by the County Manager within thirty (30) calendar days of (1) the date the summary plat is deemed complete or (2) the date the County Zoning Director receives additional information required by an adverse outside agency opinion. The County Manager has the authority to approve or disapprove any subdivision under summary review. The County has the discretion to require a public hearing for any plat submitted for summary approval.
- 7.1.7 Improvement agreement If, at the time of approval of the summary plat, any public improvements have not been completed by the subdivider as required by these Regulations, the County Manager shall, as a condition preceding approval of the summary plat, require the subdivider to assure the construction of the required improvements after final plat approval in accordance with Section 5.8 of these Regulations.
- 7.1.8 Failure to act If the County Manager does not act upon a summary plat within the required period of time, the subdivider may 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 plat within thirty (30) calendar days after such notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the summary plat has been approved.

Section 7.2 Summary Review Data Requirements

- 7.2.1 Filing Specifications The original drawing of the summary plat map shall be submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Summary plat maps shall be drawn at a scale of two hundred (200) feet to one (1) inch or larger and printed on eighteen by twenty-nine (18 x 29) inch sheets. The subdivider shall also submit two paper copies of the summary plat map and accompanying information (or more if agency review is required).
- 7.2.2 Map specifications The summary plat map shall include the following minimum information:
- a. name of subdivision, scale, north arrow, date, and vicinity map;
 - b. a description of all monuments found or set and basis of bearing used in the survey in accordance with the current Minimum Standards for Surveying in New Mexico and subsequent advisory opinions issued by the NM Board of Registration for Professional Engineers and Surveyors;
 - c. subdivision boundary lines, easement and right-of-way lines, and property lines of all parcels and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves, and area of all parcels;
 - d. easements and rights-of-way providing evidence of legal access and utility easements to the subdivision from off-site; name, right-of-way width, and dimensions of each

- road or other right-of-way within the subdivision; if the access is based upon an agreement, the recording data for the agreement including type of book, book number, and page number;
- e. the recording data of the instrument of title of the subdivision to include owner of record, type of instrument, book and page number. Recording data of all adjoining tracts to include owner of record, type of instrument, book and page number, or if adjoiners are in an existing subdivision, lot and block of existing recorded subdivision with plat book and page;
 - f. location, dimensions, and purpose of all easements, including irrigation easements and dedicated public sites, including statements of dedication for the use and benefit of the public;
 - 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 parcels, including [type of instrument, and] book and page number;
 - i. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
 - j. the signatures, with proper acknowledgement, of the owner or owners of the subdivision, and the developer if other than the owner (must contain a note that indicates that all of the signatures were obtained after all revisions were made to the final plat);
 - k. the certification of a New Mexico registered professional surveyor attesting to the accuracy of the plat, stating that the survey and plat meet the Minimum Standards for Surveying in New Mexico, including the date of the survey; and
 - l. legal description of record indicating the section, township, and range within which the subdivision is located.
 - m. a legend describing the graphical elements of the plat, including the building setback lines for all lots within the subdivision;
 - n. any general notes which are needed to explain any unusual features, inclusions, or circumstances regarding the plat;
 - o. spaces for certification and attesting by the appropriate approving governmental agencies
 - p. spaces for concurrence of all utility companies for size and location of easements; and
 - q. space for recording by the Chaves County Clerk.

7.2.3 Affidavit The summary plat shall contain a statement that the land being subdivided is subdivided in accordance with the summary plat. The summary plat shall be acknowledged by the owner and subdivider or their authorized agents in the manner required for the acknowledgment of deeds. Every summary 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 legal description of the parcel(s) and the recording information of the official final plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land before sale, lease, or other conveyance.

- 7.2.4 Dedication The summary plat shall contain a certificate stating that the Board of County Commissioners has accepted, accepted subject to improvement, or rejected, on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication. All roads and public ways open to the public use, and not specifically marked "Not offered for dedication" shall be irrevocably offered for dedication on recording of the summary plat. The Commissioners may refuse to accept any land dedicated for public use within a plat. The acceptance of a public dedication by the County does not imply that the County will maintain the dedicated land. The summary plat to be filed shall clearly state on its face that the subdivider has agreed to build the roads within the subdivision in full conformance with the requirement of the County road construction standards. Upon full conformance with the County road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a summary plat shall not be effective until the summary plat is filed in the office of the County Clerk or a resolution of acceptance by the Board of County Commissioners is filed in that office.
- 7.2.5 Disclosure statement For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix D of these Regulations. It is unlawful to sell, lease or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners, and the Attorney General's Office, and the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.
- 7.2.6 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.
- 7.2.7 Advertising standards The advertising standards covering the sale, lease, or other conveyance of subdivided land provided in Article Six, Section 4 of these Regulations shall be applicable to summary plats.

ARTICLE 8 SPECIAL PROCEDURES

Section 8.1 Succeeding Subdivisions

- 8.1.1 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.
- 8.1.2 For any subdivision approved prior to the effective date of these regulations, only that portion which is added onto it, thus creating a succeeding subdivision, shall be subject to the provisions of these Regulations.

Section 8.2 Replats and Corrected or Amended Plats

- 8.2.1 Minor amendments Any replat or corrected or amended plat created for the purpose of the correction of an error on a previously approved and filed subdivision plat, in which no additional lots are created and all of the existing lots, dedicated rights-of-way, and easements are not materially affected, and no lot is reduced in size below the minimum lot size approved for the subdivision, will be considered a minor amendment. Minor amendments may be processed and approved by the County Zoning Director.
- 8.2.2 Major amendment Any replat or corrected or amended plat created for the purpose of altering dedicated rights-of-way and/or easements will be considered a major amendment. Major amendments must meet all the requirements of the Summary Review Process.

Section 8.3 Vacation of Plats

- 8.3.1 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.
- 8.3.2 Statement of vacation The vacation of all or a portion of a final plat shall be initiated by submittal of the statement of vacation to the County Zoning Director, along with the names of all owners of record of property within the subdivided land to be

vacated, the names of all owners of record of property contiguous to the subdivided land to be vacated, and the signatures of all the authorized representatives of all utility companies and other agencies that have easements within the area proposed for vacation.

8.3.3 Scheduling and notification Within sixty (60) calendar days after the date of receipt of the statement of vacation, the Board of County Commissioners shall approve or deny the vacation, subject to the following:

- a. Action shall be taken at a public meeting;
- b. At least fifteen (15) calendar 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 mail 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.

8.3.4 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 roads dedicated to the County in the final plat continue to be dedicated to the County.

8.3.5 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 officially filed copies of the final plat with the words "Vacated" or "Partially Vacated" and refer on the final plat to the book and page on which the statement of vacation is recorded.

8.3.6 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. If a utility company agrees to vacate any easement, it must specifically so indicate on the statement of vacation or vacation plat. Also, if the owner of any right-of-way agrees to vacate the right-of-way, the owner must specifically so indicate on the statement of vacation or vacation plat.

Section 8.4 Variances

8.4.1 Planned development area The Board of County Commissioners may grant a variance from the standards and requirements of these Regulations if it is presented with a plan and program for a new town, a complete community, or a neighborhood unit, which, in the judgment of the County Commissioners provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants and other legal provisions as will assure conformity to and achievement of the plan.

- 8.4.2 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 Commissioners may require conditions that will:
- a. substantially secure the objectives of the standards of these Regulations;
 - b. protect the health, safety, and general welfare of the public, if otherwise consistent with the general purpose and intent of these Regulations and if not injurious or detrimental to the surrounding area;
 - c. limit further expansions, set maximum heights or time limits, limit types of construction, define buffering requirements, or otherwise ensure that the use of the property to which the variance applies will be compatible with and not adversely affect surrounding properties.
- 8.4.3 Procedures The following procedures and requirements shall apply to all requests for variances under these Regulations:
- a. requests for variances shall be submitted in writing at the time of request for preliminary plat approval on a form provided by the County Zoning Director for that purpose, and upon payment of the required administrative fee;
 - b. variance requests shall be reviewed by the County Commissioners in public hearings at the same time public hearings are held for approval of the preliminary plat;
 - 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 with respect to the subject matter for which the variance is sought, and shall be governed by the same time limits;
 - e. the County Commissioners shall make written findings of fact regarding each of the requirements of these Regulations and shall produce those findings of facts as a portion of its decision and order on each request for variance;
 - f. the decision and order shall be prepared, signed and filed within five (5) calendar days after the public hearing at which the variance is considered.
- 8.4.4 Findings of fact Variances shall only be approved when the following findings of fact can be applied to the request. That the granting of the variance:
- a. does not constitute a grant of special privilege inconsistent with the limitations on other properties in the surrounding area;
 - b. is not detrimental to the public health, safety, or welfare, or is materially injurious to properties or improvements in the surrounding area;
 - c. is justified because there is a physical hardship for the applicant resulting from size, shape, or existing structures on the property, or from topographic or physical conditions on the site or in the surrounding area; and
 - d. upholds the spirit and intent of these Regulations.

Section 8.5 Exemptions

8.5.1 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, signs and files with the County Clerk an affidavit attesting to the exemption being claimed, or obtains and files with the County Clerk approval for a Claim of Exemption as provided in these Regulations.

8.5.2 Verification of Exemption

- a. Any person claiming entitlement to an exemption under the provisions of these Regulations shall file a written affidavit, on a form provided by the County, attesting to the validity of the exemption being claimed. If an affidavit is not properly completed and filed with the County Clerk, a claim of exemption on the form provided in Appendix E of these Regulations shall be approved by the County Zoning Director before the land division for which the claim of exemption is made.
- b. The County Zoning Director shall review the claim of exemption and supporting documents and shall mail written notice 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 form with all supporting documents to the County Zoning Director.
- c. If the claim of exemption is approved, or if the County Zoning Director fails to mail written notice to the claimant within thirty (30) days after receipt of the completed claim of exemption and all supporting documents, the person claiming the exemption may divide the land in the manner proposed in the claim of exemption without complying with the provisions of these Regulations.
- d. If the claim of exemption is denied, the person claiming the exemption may appeal the denial as provided in Article 9 of these Regulations or may submit an application for a subdivision as provided in these Regulations.

Section 8.6. Protection of Cultural Properties, Archaeological Sites, and Unmarked Burials

8.6.1 Registered Cultural Properties Any person desiring to subdivide land in the County shall demonstrate that they have reviewed the latest edition of the New Mexico Register of Cultural Properties (the Register) that has been provided to the County by the State Historical Preservation Office, 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 for subdivision approval; or
- b. if any such properties entered in the Register exist within the boundaries of the proposed subdivision, the subdivision shall comply with the requirements of the

Cultural Properties Act 18-6-1 through 18-6-17 NMSA 1978 and all applicable laws regarding cultural properties and archaeological sites.

8.6.2 Unmarked Human Burials

- a. 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.
- b. All subdividers shall comply with the requirements of §18-6-11.2 NMSA 1978, which prohibits the knowing, willful, and intentional excavation, removal, disturbance, or destruction of any human burial, buried, entombed, or sepulchered in any unmarked burial ground except by authority of a permit issued by the state medical investigator or by the state cultural properties review committee with the concurrence of the state archaeologist and state historic preservation officer.

ARTICLE 9 APPEALS

Section 9.1 Who May Appeal

- 9.1.1 County Zoning Director or County Manager Any person who is adversely affected by a decision of the County Zoning Director or County Manager in approving or disapproving a subdivision plat may appeal to the Board of County Commissioners within ten (10) days after the date of the action of the Zoning Director or County Manager. The Board of County Commissioners shall hear the appeal and render a decision within thirty (30) days after receiving the notice of appeal.
- 9.1.2 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) days after the date of the action of the Board.

Section 9.2 Appeal Process

- 9.2.1 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 only set aside the action of the lower tribunal 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.
- 9.2.2 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.
- 9.2.3 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 10 ENFORCEMENT, PENALTIES, AND REMEDIES

Section 10.1 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.

Section 10.2 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 Zoning Director for investigation. The County Zoning Director 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 Zoning Director shall inform the complainant in writing of what actions have been taken or will be taken in response to the complaint.

Section 10.3 Penalties and Remedies

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

- 10.3.1 Utility Connections Any water, sewer, electric, or gas utility that connects service to individual parcels within a subdivision before a final plat for the subdivision has been approved by the Board of County Commissioners or before the landowner holds a valid building permit, may be fined a civil penalty of up to five hundred dollars (\$500) 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.
- 10.3.2 Suspension of Right of Sale The Board of County Commissioners may suspend or revoke approval of a plat as to unsold, unleased or otherwise not conveyed portions of a subdivider's plat if the subdivider does not meet the schedule of compliance approved by the Board of County Commissioners.
- 10.3.3 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:
 - 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;
 - b. injunctive relief to compel compliance by any person with the provisions of the New Mexico Subdivision Act and these Regulations;

- c. rescission and restitution for persons who have purchased, leased, or otherwise acquired an interest in subdivided land that was divided, sold, leased or otherwise conveyed in material violation of the New Mexico Subdivision Act or these Regulations; or
- d. a civil penalty of up to five thousand dollars (\$5,000) for each parcel created in knowing, intentional or willful violation of the New Mexico Subdivision Act or these Regulations.

10.3.4 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.

10.3.5 Criminal Penalties

- a. § 47-6-27 NMSA 1978 provides that:
 - i) any person who knowingly, intentionally, or willfully commits a material violation of the New Mexico Subdivision Act is guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) 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 11 AMENDMENT

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

ARTICLE 12 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 13 REPEAL AND EFFECTIVE DATE

These Regulations repeal the Chaves County Subdivision Regulations adopted in 1973. These Regulations shall become effective on the 30th day of March, 1997.

APPENDIX A FEE SCHEDULE

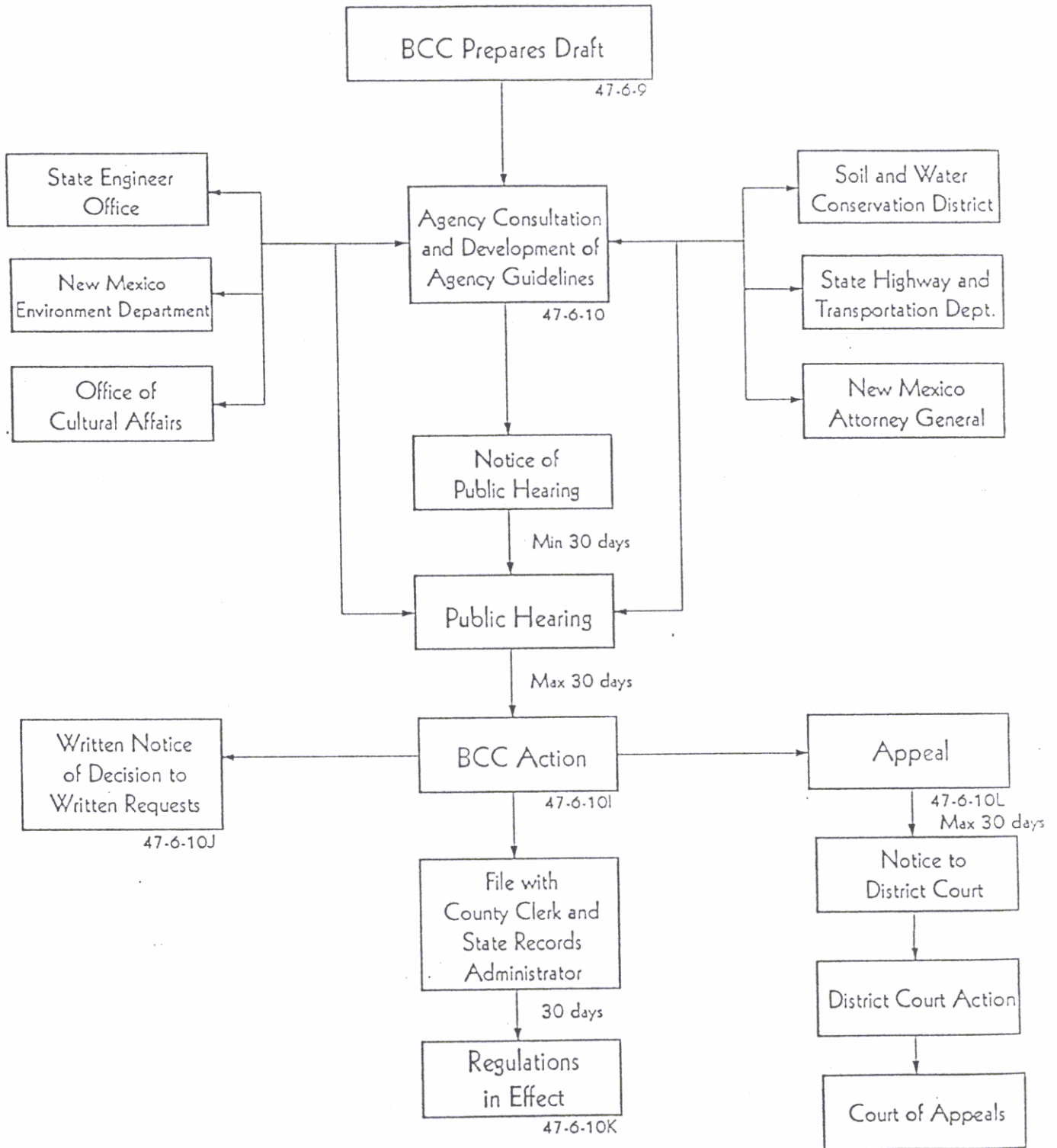
The following fee schedule applies to all procedures pertaining to subdivisions in Chaves County:

<u>TYPE OF SUBDIVISION</u>	<u>FEE</u>
Subdivision Application	<u>\$500.00</u> plus \$15.00 per lot
Summary review plat	<u>\$200.00</u>
Variance	<u>\$100.00</u>
Appeal	<u>\$100.00</u>
Vacation	<u>\$100.00</u>
Minor Amendment	<u>\$ 50.00</u>
Claim of exemption	<u>\$ 25.00</u>

APPENDIX B FLOW CHARTS

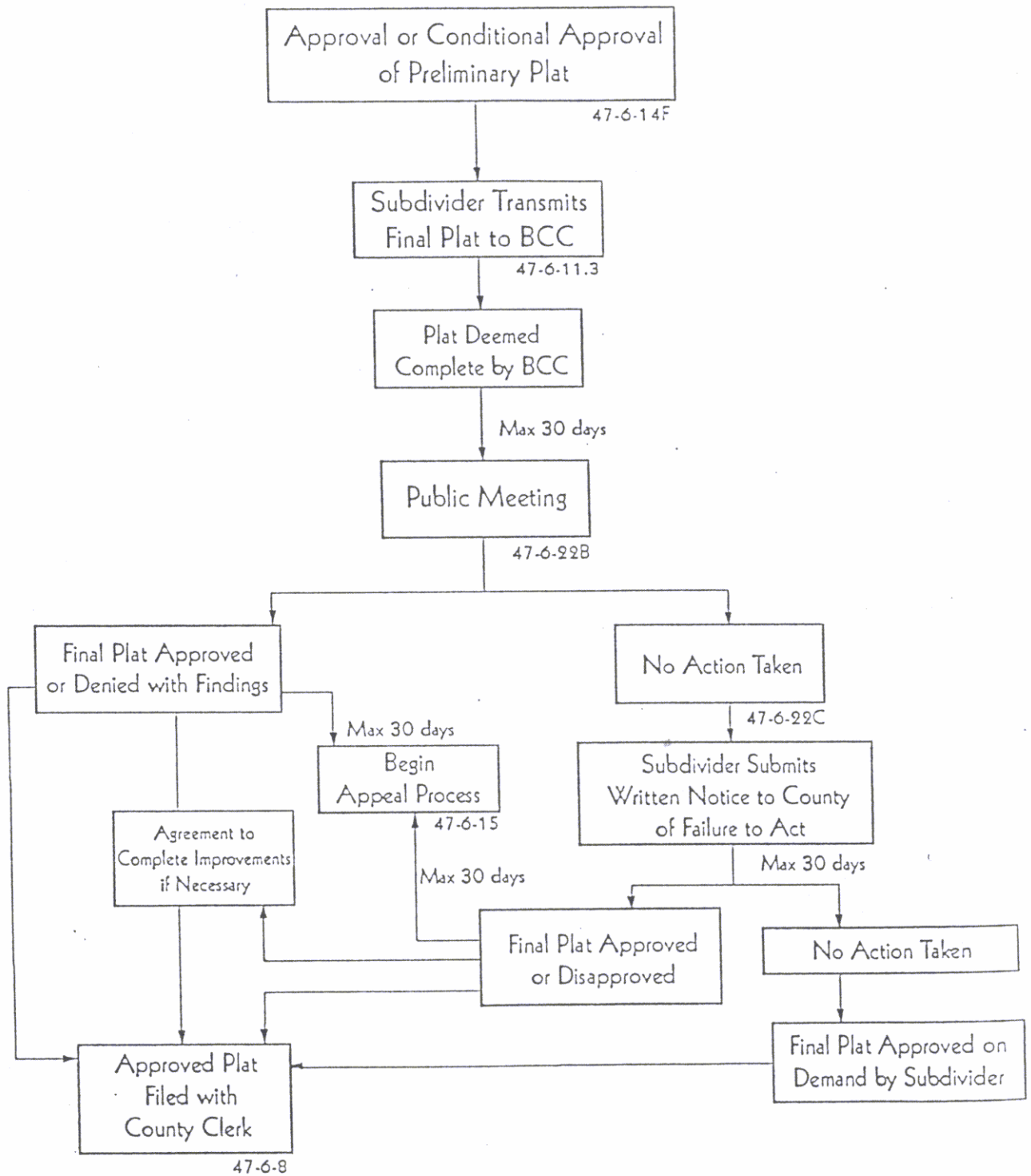
- B-1 Adopting, Amending, or Repealing County Subdivision Regulations
- B-2 Preliminary Plat Review for Types 1, 2, 3-B, & 4 Subdivisions
- B-3 Final Plat Review for Types 1, 2, 3-B, & 4 Subdivisions
- B-4 Final Plat Summary Review for Types 3-A and 5 Subdivisions
- B-5 Appealing Decisions on Preliminary or Final Plats

B-1 Adopting, Amending, or Repealing County Subdivision Regulations



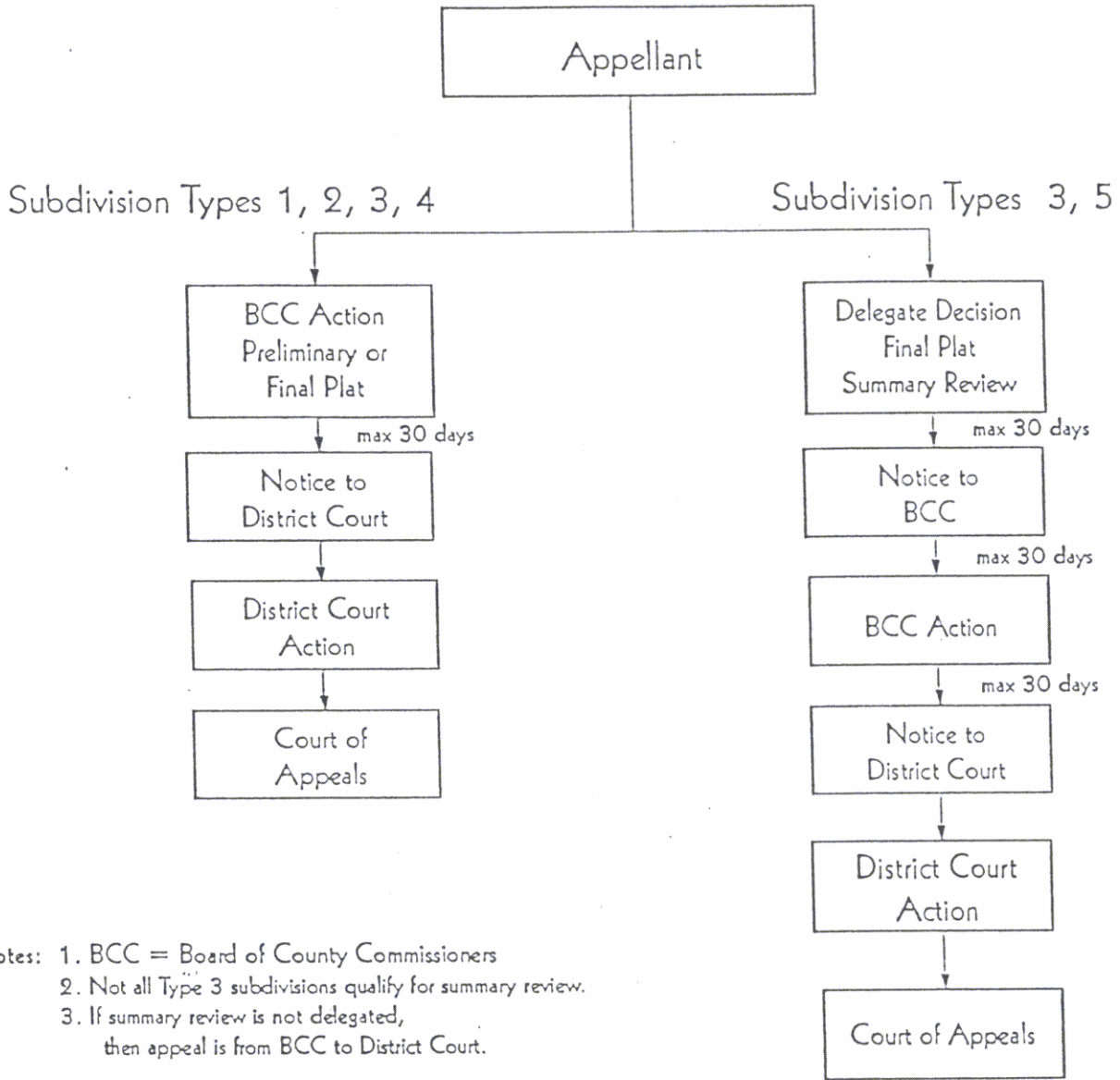
- Notes:**
1. BCC = Board of County Commissioners
 2. Statutory Date of Compliance with 1995 Act Amendments:
 - a. 7-1-96 for Bernalillo, Santa Fe, Dona Ana Counties
 - b. 7-1-97 for all other counties
 3. Statutory references are noted.

B-3 Final Plat Review for Types 1, 2, 3-B, & 4 Subdivisions



- Notes: 1. BCC = Board of County Commissioners
 2. Not all Type 3 Subdivisions qualify for summary review.
 3. Statutory references are noted.

B-5 Appealing Decisions on Preliminary or Final Plat



APPENDIX C-1 STATE ENGINEER GUIDELINES

Section 1 Water Permits

- 1.1 Before July 1, 1997 Until July 1, 1997, 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
§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.

- 1.2 On and after July 1, 1997 On and after July 1, 1997, the Board of County Commissioners shall require a State Engineer permit for subdivisions containing twenty (20) or more parcels any one of which is two (2) acres or less.

Section 2 Water Conservation Measures The following water conservation measures are recommended for housing units in all subdivisions:

- 2.1 All new construction shall conform to the requirements of the Uniform Building Code and the Uniform Plumbing Code required by the New Mexico Construction Industries Division.
- 2.2 Low water use landscaping techniques applying the principles of xeriscaping are encouraged.
- 2.3 Subdividers are encouraged to include statements on water conservation requirements in the covenants for the subdivision.

Section 3 Quantification of Annual Water Requirements The maximum annual water requirements for all subdivisions containing five (5) lots or more must be quantified. The following procedures shall be used:

- 3.1 The maximum annual water requirement for both indoor and outdoor purposes for each parcel in a residential subdivision with lots less than one (1) acre shall be 0.75 acre feet per year unless a detailed water demand analysis approved by the State Engineer Office justifies the use of a different figure.
- 3.2 The subdivider may, at his option, prepare a detailed water demand analysis using the step by step computational procedure presented in the relevant State Engineer Technical Report.
- 3.3 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.

- 3.4 Subdivisions with lots that are a minimum of five (5) acres shall quantify the annual water requirement in accordance with the guidelines of Section 6.3 of this appendix.

Section 4 Final Plat Approval Requirements 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 pursuant to Sections 72-5-1, 72-5-23, and 72-5-24 NMSA, 1978 for subdivision water use; or pursuant to Sections 72-12-3 or 72-12-7 NMSA, 1978 if the subdivision is located within a declared underground water basin. 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. In acting on the permit application, the State Engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses.

Section 5 Community Water System Requirements

- 5.1 A community water system shall be required for all subdivisions which are located within the Extraterritorial Zoning District (ETZ) or Area II in the County outside the ETZ and which create parcels that are less than 5 acres in size.
- 5.2 A community water system shall be required for all other subdivisions containing six or more parcels where groundwater would be supplied from geologic formations where wells have been determined to produce at a rate of two (2.0) gallons per minute or less, or where available information suggests the likelihood of low yielding wells. In lieu of a community water system, the developer shall provide alternative means of supplying potable water to each lot in sufficient quantities to meet the maximum annual water requirements of each lot, and shall fully disclose the means and methods for providing such water supply. Acceptable alternative methods of supplying potable water shall include individual wells drilled by the developer or other means of water delivery combined with storage systems provided by the developer for each lot. The storage systems shall be capable of storing an amount of water equal to twice the average daily water consumption for a household and must be capable of delivering water at a minimum rate of two (2.0) gallons per minute.
- 5.3 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, roads, 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.
- 5.4 Residential service connections to community water systems shall be required where such systems have been designed and constructed for use within the subdivision.

- 5.5 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.
- 5.6 The Board of County Commissioners may require the subdivider to provide a performance bond or other surety in the amount of the estimated cost of the water supply system and including, as appropriate, the estimated cost of acquiring necessary water rights to water under contract with the owner of a water right.

Section 6 Water Availability Assessment Requirements

- 6.1 If the source of water supply will be an existing community water system or municipal water system, the subdivider shall submit a water availability assessment containing the following information:
 - a. name of the utility proposed as the source of supply;
 - b. documentation from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision. For subdivisions with more than six (6) lots, such documentation may include information meeting the requirements of subsection 6.2 of Appendix C-1 of these Regulations as well as additional information demonstrating system capabilities and existing and proposed infrastructure improvements that may be required to furnish water to the subdivision in sufficient quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor uses.
- 6.2 For new community water systems, the subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements:
 - a. geohydrologic reports shall demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for 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 40 years;
 - b. 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;
 - c. the assessment shall include a calculated 40 year schedule of effects on the proposed subdivisions'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. Predicted drawdowns shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses;

- d. 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 20 percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:
 - 1. 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;
 - 2. by setting the level at the top of the uppermost screened interval;
 - 3. in wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone;
 - 4. in wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to 70 percent of the initial water column.
- e. 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.

6.3 If the subdivider proposes that the source of water shall be individual domestic wells or shared wells to be approved by the State Engineer pursuant to Section 72-12-1 NMSA, 1978, the subdivider shall submit a water availability assessment containing the following information:

- a. 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;
- b. 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;
- c. a statement of the estimated yield of wells in gallons per minute based upon well logs from existing nearby wells;
- d. any additional information which is required by the State Engineer Office that will enable it to determine whether or not the subdivider can furnish water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor uses, and whether the subdivider can fulfill the proposals in his disclosure statement concerning water quantity.

Section 7 Fire Protection

- 7.1 For all subdivisions with new community water systems, or utilizing an existing community water system in which infrastructure improvements proposed to be designed and constructed for use by the subdivision include new storage and distribution facilities independent of existing infrastructure, the subdivider shall provide water storage and distribution facilities for fire fighting. This provision is not to be construed to require reconstruction or upgrade of existing community water systems to provide water storage and distribution for fire fighting even though new infrastructure may be owned and managed by the same service organization or company.
- 7.2 The subdivider's fire protection facilities shall conform with the standards and guidelines provided by the Insurance Services Office (ISO), and to applicable County fire regulations, and shall meet the following minimum requirements:
- a. 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 requirements.
 - b. the fire protection system shall be capable of delivering a minimum of 500 gallons per minute to the fire at a residual pressure of 20 pounds per square inch or as required by ISO.
 - c. fire hydrant spacing shall not exceed a distance of 1,000 feet measured along the roadway, and individual hydrants shall not be located more than 500 feet from each parcel.
 - d. all water mains that convey fire flows shall be a minimum of six (6) inches in diameter.
- 7.3 A fire protection plan shall be a condition of preliminary plat approval for all non-residential subdivisions, subdivisions containing over 100 lots, subdivisions with new community water systems, and subdivisions utilizing existing community water systems.
- 7.4 For all subdivisions with new community water systems or existing community water systems in which infrastructure improvements designed and constructed for use within the subdivision include new water storage and distribution facilities, 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.
- 7.5 For all subdivisions to be supplied by existing utilities, the letter of intent from the utility to provide water shall disclose fire flows and pressures which will be provided and fire flow storage, if any, which may be available to the subdivision.
- 7.6 If fire fighting services are available, the subdivider shall disclose the local fire authority having jurisdiction, the rate in gallons per minute that water may be delivered to the fire by tanker service from the fire authority, if available, and the distance and anticipated time of travel from the fire station to the center of the subdivision.

APPENDIX C-2 NM ENVIRONMENT DEPARTMENT GUIDELINES

Section 1 Water Quality Documentation

- 1.1 For a subdivider to document conformance with the water quality requirements of these guidelines and the New Mexico Subdivision Act, a water quality documentation package shall accompany the preliminary plat submittal. The package shall:
 - a. state the subdivider's name and mailing address;
 - b. state the date the package was completed;
 - c. state the subdivider's proposal for meeting the water quality requirements of these guidelines;
 - d. be accompanied by a copy of the subdivider's disclosure statement on water quality;
 - e. be accompanied by the information listed in sections 1.2, 1.3, and 1.4 as applicable to the water supply proposal; and
 - f. be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these guidelines.

- 1.2 If a **new public water supply system** is proposed, the following information shall be submitted as part of the water quality documentation package:
 - a. a 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;
 - b. for 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 by the NM Environment Department as may be required;
 - c. the location and description of the source of water sampled for the water quality analysis;
 - d. an engineer's report and preliminary plans for the proposed public water supply system; and
 - e. maps identifying and showing the location of all potential sources of contamination and the floodplain of all watercourses and surface bodies of water within one thousand (1000 feet of the proposed water supply system source.

- 1.3 If a **connection to an extension of an existing public water supply system** is proposed, the following information shall be submitted as part of the water quality documentation package:
 - a. a water quality analysis of a representative water sample for alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, Ph, silver, sodium, sulfate, total dissolved solids, turbidity, and zinc;
 - b. a statement of availability of water service signed by an official of the existing public water supply system; and
 - c. an engineer's report and preliminary plans for the proposed water system.

- 1.4 If **private water supply systems** are proposed, the following information shall be submitted as part of the water quality documentation package:
- a. a water quality analysis of a representative water sample for all the elements listed in 1.3.a;
 - b. for 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 by the NM Environment Department as may be required;
 - c. the location and description of the source of water sampled for the water quality analysis;
 - d. preliminary plans for the private water supply systems if the systems will serve more than one (1) connection; and
 - e. maps identifying and showing the location of all potential sources of contamination and the floodplain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.
- 1.5 Documentation of approval for the construction or modification of a public water supply system from the New Mexico Environment Department will be required before final plat recordation.

Section 2 Water Quality Requirements Conformance with the water quality requirements of this section is required for preliminary plat approval.

- 2.1 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 containment level (MCL) for any of the contaminants listed by the NM Environment Department. (Table C-2A)
- 2.2 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 by the NM Environment Department. (Table C-2B)
- a. If the level for any of the contaminants listed by the NM Environment Department exceeds the SMCL, the subdivider must state in the disclosure statement on water quality the name of the contaminant exceeded, the containment 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.
- 2.3 A water supply source shall not be located at less than the setback distances shown in Table C-2C.
- 2.4 The disclosure statement shall contain a statement describing the quality of water available for domestic use within the subdivision.

TABLE C-2A

PRIMARY (HEALTH RELATED) CONTAMINANTS (continued)

<u>INORGANIC (IOC)</u>		<u>MICROBIOLOGY</u>	
<u>Contaminant</u>	<u>MCL</u>	<u>Contaminant</u>	<u>MCL</u>
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	<u>DISINFECTION BYPRODUCT</u>	
Copper	1.3 mg/l	<u>Contaminant</u>	<u>MCL</u>
Cyanide	0.2 mg/l	Total trihalomethanes	0.10 mg/l
Fluoride	4.0 mg/l	<u>VOLATILE ORGANIC (VOC)</u>	
Lead	0.015 mg/l	<u>Contaminant</u>	<u>MCL</u>
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
<u>RADIONUCLIDE</u>		cis-1,2-dichloroethylene	0.07 mg/l
<u>Contaminant</u>	<u>MCL</u>	trans-1,2-dichloroethylene	0.1 mg/l
Gross \square 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-2A

PRIMARY (HEALTH RELATED) CONTAMINANTS (determined by NMED)

<u>VOC (continued)</u>		<u>SOC (continued)</u>	
<u>Contaminant</u>	<u>MCL</u>	<u>Contaminant</u>	<u>MCL</u>
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
<u>SYNTHETIC ORGANIC (SOC)</u>		Lindane	0.0002 mg/l
<u>Contaminant</u>	<u>MCL</u>	Methoxychlor	0.04 mg/l
Alachlor	0.002 mg/l	Oxamyl (Vydate)	0.2 mg/l
Atrazine	0.003 mg/l	Pentachlorophenol	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-ethylhexyl)adipate	0.4 mg/l	2,4,5-TP	0.05 mg/l

Notes to Table C-2A

- (a) Million Fibers longer than 10µm per Liter
- (b) Gross alpha particle activity including radium-226 but excluding radon and uranium
- (c) Combined radium-226 and radium-228
- (d) For systems using surface water
- (e) Treatment Technique (filtration and disinfection) required
- (f) Performance Standard 0.5 NTU to 1.0 NTU

TABLE C-2B

SECONDARY (ESTHETIC RELATED) CONTAMINANTS (determined by NMED)

<u>Contaminant</u>	<u>SMCL</u>	<u>Contaminant</u>	<u>SMCL</u>
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	0.3 mg/l	Zinc	5 mg/l

Notes to Table C-2B

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

Section 3 Liquid Waste Disposal Documentation

- 3.1 For a subdivider to document conformance with the liquid waste disposal requirements of these guidelines and the New Mexico Subdivision Act, a liquid waste disposal documentation package shall accompany the preliminary plat submittal. The package shall:
- a. state the subdivider's name and mailing address;
 - b. state the date the package was completed;
 - c. state the subdivider's proposal for meeting the liquid waste disposal requirements of these guidelines;
 - d. be accompanied by a copy of the subdivider's disclosure statement on liquid waste disposal;
 - e. be accompanied by the information listed in sections 3.2, 3.3, and 3.4 as applicable to the liquid waste disposal; and
 - f. be accompanied by other relevant information as may be necessary for the determination of compliance with the liquid waste disposal requirements of these guidelines.
- 3.2 If the subdivider proposes a **new community liquid waste system**, the following information shall be submitted as part of the liquid waste disposal documentation package:
- a. an engineer's report and preliminary plans for the proposed community liquid waste system;
 - b. maps showing the location of all water supply sources and the floodplain of all watercourses and surface bodies of water within one thousand (1000) feet of the proposed liquid waste treatment and liquid waste disposal site; and

- c. 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.
- 3.3 If the subdivider proposes a liquid waste system by **connection to an extension of an existing community liquid waste system**, the following information shall be submitted as part of the liquid waste disposal documentation package:
- a. a statement of availability of liquid waste service signed by an official of the existing liquid waste system; and
 - b. an engineer's report and preliminary plans for the proposed extension to the existing liquid waste system.
- 3.4 If the subdivider proposes **individual liquid waste systems**, the following information shall be submitted as part of the liquid waste disposal documentation package:
- a. a soils investigation report (soil survey, soil borings to a minimum depth of eight (8) feet, soil test results and analysis of the soil survey, soil borings, 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;
 - b. maps showing the location of all water supply sources and the floodplain of all watercourses and surface bodies of water within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries;
 - c. a liquid waste system feasibility map, superimposed on the subdivision plat, delimiting the areas of suitable, limited, and prohibitive soil categories as described in Table C-2D; and
 - d. preliminary plans for the individual liquid waste systems if a system will serve more than one (1) connection.
- 3.5 Documentation of approval for the discharge from a community liquid waste system from the New Mexico Environment Department will be required before final plat recordation.

Section 4 Liquid Waste Disposal Requirements Conformance with the liquid waste disposal requirements of this section is required for preliminary plat approval.

- 4.1 A **community liquid waste system** shall be permitted, designed, and constructed by the time of first occupancy within the subdivision to comply with the Water Quality Control Commission Regulations.
- 4.2 A **community liquid waste system** shall be operated, maintained, and expanded as necessary to insure that the system will comply with the Water Quality Control Commission Regulations.
- 4.3 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.

- 4.4 **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.
- 4.5 **Individual liquid waste systems** shall not be installed where an existing community liquid waste system is available for use within the subdivision, in subdivisions or on lots where lot sizes are less than one (1) acre, in prohibitive soils as shown in Table C-2D, or at less than the setback distances shown in Table C-2E;
- a. holding tanks shall not be installed if a water supply system is to be used.
 - b. privies (outhouses) and cesspools shall not be installed.
- 4.6 The disclosure statement for the subdivision shall contain a description of the means of liquid waste disposal for the subdivision.

TABLE C-2C

REQUIRED MINIMUM SETBACK DISTANCES FOR WATER SUPPLY SOURCES (feet)

Potential Source of Contamination	Public Water Supply System Source	Private Water Supply System Source
Water tight sewers	50	25
Other sewers	100	50
Community liquid waste treatment systems	300	150
Individual liquid waste treatment systems	100	50
Community liquid waste disposal systems	600	300
Individual liquid waste disposal systems	200	100
Floodplains	Outside	Outside

TABLE C-2D

SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE SYSTEMS

Soil Characteristics	Soil Category		
	Suitable	Limiting	Prohibitive
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
Floodplain	Outside	Outside	Outside[Within]

Notes to table C-2B:

- (1) A soil category is determined by the most limiting soil characteristic.
- (2) A suitable soil is a soil suited for the installation and functioning of a conventional disposal system. (For conventional and alternative systems)
- (3) A limiting soil is a soil unsuited for the installation and functioning of a conventional disposal system. (For alternative systems)
- (4) A prohibitive soil is a soil unsuited for the installation and functioning of either a conventional or an alternative disposal system. Individual liquid waste systems cannot be used in prohibitive soils.

TABLE C-2E

MINIMUM SETBACK DISTANCES FOR INDIVIDUAL LIQUID WASTE SYSTEMS (feet)

Object	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	100

SECTION 5 Solid Waste Desposal Documentation

- 5.1 For a subdivider to document conformance with the solid waste disposal requirements of these guidelines and the New Mexico Subdivision Act, a solid waste disposal documentation package shall accompany the preliminary plat submittal. The package shall:
- a. state the subdivider's name and mailing address;
 - b. state the date the package was completed;
 - c. state the subdivider's proposal for meeting the solid waste disposal requirements of these guidelines;
 - d. be accompanied by a copy of the subdivider's disclosure statement on solid waste disposal;
 - e. be accompanied by the information listed in sections 5.2 and 5.3 as applicable to the solid waste disposal; and
 - f. be accompanied by other relevant information as may be necessary for the determination of compliance with the solid waste disposal requirements of these guidelines.
- 5.2 If the subdivider proposes solid waste collection by use of an existing solid waste collection service, the following information shall be submitted as part of the solid waste disposal documentation package:
- a. a statement of availability of solid waste collection and disposal service signed by an official of the solid waste collection service;
 - b. the name, location, and owner or operator of the solid waste disposal site used by the collection service.
- 5.3 If the subdivider proposed solid waste disposal by use of an existing solid waste disposal site, the following information shall be submitted as part of the solid waste disposal documentation package:
- a. a statement of availability of solid waste disposal service signed by an official of the disposal site;
 - b. the travel distance from the center of the subdivision to the disposal site.

SECTION 6 Solid Waste Disposal Requirements Conformance with the solid waste disposal requirements of this section is required for preliminary plat approval.

- 6.1 At the time of first occupancy of the subdivision the subdivider shall provide for:
- a. disposal of solid wastes at an approved solid waste disposal facility; and
 - b. an approved solid waste collection system to collect and transport solid wastes to the disposal facility if the disposal facility is more than five (5) miles from the center of the subdivision.
- 6.2 At the time when five hundred (500) lots of the subdivision are occupied, the subdivider shall provide for an approved solid waste collection system to collect and transport solid wastes to the disposal facility.

- 6.3 The solid waste disposal requirements of this Section may be waived for type four or type five subdivisions if the subdivider discloses and covenants that:
- a. the lots will not be divided or subdivided to less than ten (10) acres;
 - b. the lots will be restricted to seasonal (part-time) occupancy;
 - c. on-lot solid waste disposal will be limited to solid waste generated on the lot by the lot owner; and
 - d. on-lot solid waste disposal will be done in a manner that does not create a nuisance, create a hazard to public health, or degrade a body of water.
- 6.4 The disclosure statement for the subdivision shall contain a description of the means of solid waste disposal for the subdivision, including the following information:
- a. for subdivisions in which solid waste collection service is available, the disclosure statement shall include a statement of availability of solid waste collection and disposal service signed by an official of the solid waste collection service.
 - b. for all other subdivisions, the disclosure statement shall include the name of the nearest legal solid waste disposal site or transfer station and the travel distance from the center of the subdivision.

C-3 NM STATE HIGHWAY & TRANSPORTATION DEPARTMENT

Section 1 General Information

To comply with the New Mexico Subdivision Act, The New Mexico State Highway and Transportation Department reviews each subdivision submitted, following the recommended guidelines outlined in this document. One (1) coordinating section and five (5) reviewing sections within the Department actually handle the subdivision package submitted for review. In order to comply with the new thirty (30) day response time, five (5) copies of each subdivision package must be submitted for timely response.

The coordinating section is the Property Management Unit within the Right of Way Bureau, which receives the subdivision package from the County and then distributes the package to the review sections. The review sections are appropriate District Offices, Technical Section, Project Development, Drainage, and Lands Engineering. Comments will be returned to the Property Management Unit of the Right of Way Bureau for compilation. A letter with Department comments will be sent to the appropriate Counties for action.

In general the Highway Department is concerned with how the Subdivision is going to affect Federal and State highways, specifically the safety of the traveling public and the integrity of the road system within New Mexico.

Section 2 Technical Section Review

- 2.1 Any access to a State highway from a subdivision shall accommodate all emergency vehicles.
- 2.2 Traffic Impact Studies 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 TIA 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.
- 2.3 In all instances, whether a Traffic Impact Study is submitted or not, the safety and efficiency of the access points onto State routes are the main concern of the Department. The Driveway Regulations provide further details.

Section 3 Local District Office Review

- 3.1 Local District review overlaps Traffic Design review in that they follow the Regulations for Driveways and Median Openings on Non-Access Controlled Highways, but are more familiar with the area and have a better grasp of other development in the area for more localized comments.
- 3.2 The local District office will look at traffic control plans for traffic safety and comment if changes need to be made.

3.3 The local District office will review Traffic Impact Analysis reports and comment.

Section 4 Project Development Review

4.1 The Project Development office main review is concerned with the impact the proposed subdivision will have on present planned road projects and projected project development.

4.2 Project Development will perform a general engineering review of submitted plans.

Section 5 Drainage Review

5.1 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.

5.2 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.

5.3 All drainage structures within the highway right-of-way shall be sized for the 50 year design storm.

Section 6 Lands Engineering Review

6.1 The Lands Engineering office reviews land use proposals affecting State Highways with respect to survey data, highway right-of-way limits, access control, and encroachments.

Section 7 Summary

A copy of the ***Regulations for Driveways and Median Openings on Non-Access Controlled Highways*** is available at any NM State Highway & Transportation Department local District office and is considered a part of these recommended guidelines for the Department's review of proposed subdivisions. The main concern of the Department is safety and integrity of all State maintained roads. Our primary responsibility is to build and maintain a statewide transportation network. Cooperation of all agencies and developers to comply with the New Mexico Subdivision Act assists us in accomplishing our mission.

C-4 TERRAIN MANAGEMENT

Section 1 Soils

- 1.1 All land to be developed must be composed of soils suitable for the intended uses, including building foundations, fill, road construction, underground utilities, water and erosion control structures, etc.
- 1.2 Soil not suitable or having a high degree of hazard for the intended use shall not be used unless the subdivider can demonstrate in his terrain management plan that the inherent soil limitations may be overcome.
- 1.3 Subject to the provisions of Section 2.2, l & m of Appendix C-4, soil may be transported to the subdivision from other locations when the soil within the subdivision is not suitable for the intended use.

Section 2 Grading

- 2.1 Grading plans A grading plan shall be submitted which will include:
 - a. existing and proposed contours for proposed development with a contour interval based on mean sea level datum at 5 ft contour intervals if slopes are greater than 2% and at 2 ft contour intervals if slopes are less than 2%;
 - b. location and elevations of USGS and all other benchmarks used in determining the location and elevation of improvements within the subdivision;
 - c. a vicinity map with descriptions of existing surface water irrigation, drainage, and erosion control facilities and structures and watercourses and bodies of water within three (3) miles of the proposed subdivision;
 - d. overall drainage area boundaries and drainage sub-area boundaries;
 - e. proposed storm drains, open drainage ways, rights-of-way, easements, storm system inlets, gutters, manholes culverts, erosion control and energy dissipation devices, ponds, and any other required structures which will be located within the subdivision;
 - f. proposed inflow and outfall points for runoff from the study area; and
 - g. subdivision limits and individual lots.
- 2.2 Grading criteria All grading, filling, and clearing operations including road development shall comply with the following guidelines:
 - a. preserve, match, or blend with the natural contours of the land as closely as possible;
 - b. retain trees and other native vegetation to stabilize hillsides, retain moisture, reduce erosion, and preserve the natural scenic beauty;
 - c. minimize the number of cuts and fills and round off all sharp angles from necessary cut and fill slopes;
 - d. determine the maximum cut or fill slope on the basis of the risk of instability or soil erodibility as shown by the soil survey;
 - e. minimize the direct or indirect discharge of sediment and other organic or earthen materials into a watercourse, water body, or drainage channel;

- f. preserve all flood plain areas, as determined by the Chaves County Flood Damage Prevention Ordinance and the Chaves County Flood Insurance Rate Maps, from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or vegetation except as approved by the County.
- g. whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to the extent necessary to eliminate dust arising from the exposed material;
- h. where mechanical stabilization or containment of the slope by other than the use of native material is employed, the stabilization devices shall be at least partially screened by vegetation where practical;
- i. earth and/or vegetation removed during clearing operations shall be disposed of in a reasonable manner;
- j. organic material, such as vegetation or rubbish or any other material not subject to proper compaction or otherwise not conducive to its stability shall not be permitted in fills. No rock or similar irreducible material with a maximum diameter greater than eight inches shall be buried or placed in the top two feet of fills;
- k. each layer of material of fill to be used at the construction site shall be compacted to not less than 95 percent of the maximum dried density (AASHO T-99 Standard Proctor Method);
- l. construction equipment shall be limited to the actual area to be graded according to the approved plat. Mechanized equipment shall not be operated in watercourses except in a manner approved by the County; and
- m. heavy vehicles of any kind shall not pass over areas to be left in their natural state according to the approved plat.

Section 3. Storm Drainage

3.1 General provisions All subdivisions shall be planned, constructed, and maintained to:

- a. protect and preserve existing natural drainage channels except where erosion and water control measures are approved the County;
- b. protect structures and other works from flood hazards;
- c. provide a system by which water within the subdivision will be removed without causing damage or harm to the natural environment, or to property or persons within the subdivision or in other areas;
- d. assure that waters drained from the subdivision do not contain pollutants and sedimentary materials of any greater quantity than would occur in the absence of the subdivision;
- e. assure that waters are drained from the subdivision in such a manner that they will not cause erosion outside of the subdivision to any greater extent than would occur in the absence of the subdivision; and
- f. comply with the requirements of the Natural Flood Insurance Act of 1968 and 1969 as amended.

3.2 Storm drainage report The storm drainage report shall be typed and bound on 8½" by 11" paper. The report shall use the Soil Conservation Service Method and be prepared by a professional engineer registered in the State of New Mexico. The report shall contain at a minimum the elements listed below:

- a. Calculations and analysis for peak flow from all off-site tributary drainage areas and within the proposed subdivision for all drainage basins;
- b. closed sub-basin analysis including identification of water into or out of sub-basins;
- c. drainage problems and solutions which are anticipated within the development;
- d. effects of ten (10), twenty-five (25), and one hundred (100) year, twenty-four (24) hour storm events;
- e. routing and accumulative flows for ten (10), twenty-five (25), and one hundred (100) year, twenty-four (24) hour storm events at all points of intersection, change of flow, change of slope, change of structural elements, and any other critical point in the drainage system;
- f. inlet and storm drain size; and
- g. calculations supporting the design of all drainage structures which are part of the subdivision proposal.

3.3 General design criteria Compliance with the following general design criteria is essential to the proper preparation of a storm drainage report:

- a. runoff analysis shall take into consideration all contributing runoff from areas outside the subdivision. The analysis of storm runoff from existing developed areas lying outside the subdivision shall be based upon present land use and topographic features. Runoff from undeveloped land lying outside the subdivision shall be calculated using coefficients based on projected fully developed conditions;
- b. the flow pattern in undeveloped areas adjacent to the proposed subdivision shall be based on existing natural topographic features;
- c. average land slope in both developed and undeveloped areas may be used in computing runoff, however, for areas in which a storm drainage report or plan has previously been approved, those slopes shall be used;
- d. the planning and design of drainage systems shall be such that problems are not transferred beyond the proposed subdivision's boundaries;
- e. outfall points shall be designed in such a manner that they will not cause increased flooding downstream. Irrigation facilities shall not be used as outfall points unless such outfall is shown to be without hazard and is approved in writing by the local irrigation district;
- f. drainage easements or dedicated rights-of-way shall be required for any type of drainage system component and shall be designated on all drainage plans, subdivision plats, and in the subdivision's disclosure statement;
- g. encroachment or impairment of drainage easements or rights-of-way by any structure shall be prohibited;
- h. when a subdivision or part of a subdivision lies within a FEMA designated floodplain, a hydrologic analysis acceptable to FEMA shall be used to determine the floodplain inundation area and the anticipated depth of flood waters resulting from a one hundred (100) year, twenty-four (24) hour storm event;

- i. roads and rights-of-way may be used as drainage ways for ten (10) year, twenty-four (24) hour storm runoff but shall not impede the flow of vehicular traffic as defined in j, k, l, and m below;
- j. on local roads, except on roads with header cuts, no curb overtopping shall be permitted and the equivalent of one (1) 10 foot driving lane must remain clear of water;
- k. on collector roads, the flow spread must leave the equivalent of two (2) 10 foot driving lanes clear of water;
- l. on local and collector roads, cross road flow shall not exceed 6 inches at cross pan with no overtopping at the road crown during a ten (10) year, twenty-four (24) hour storm event;
- m. on arterial roads, no water shall be allowed to overcross;
- n. storm drains and storm inlets shall be of sufficient numbers and capacities to convey the expected runoff from a ten (10) year, twenty-four (24) hour storm event without ponding;
- o. low water crossings must be designed to carry no more than 6 inches of water in ten (10) year, twenty-four (24) hour storm events and 12 inches of water in one hundred (100) year, twenty-four (24) hour storm events and must be concrete lined;
- p. all pipes and conduits must be designed to withstand structural loads based on the New Mexico State Highway and Transportation Department standards and if a difference in opinion of the appropriate pipe material to be used occurs, the County Engineer's preferred pipe material shall be used;
- q. capacities of all conduits shall be computed using Manning's formula or appropriate flow monographs.

3.4 Construction plans for all storm drainage structures, including culverts, channels, bridges, drop structures, etc, shall be submitted and shall contain the following minimum items:

- a. north arrow;
- b. subdivision limits and individual lot lines;
- c. road courses and widths;
- d. existing easements and rights-of-way;
- e. existing and proposed ground surface grades clearly delineated;
- f. project bench marks;
- g. information on proposed pipes and culverts including stationing, profiles, sizes, grades, length between manholes or other access points, typical details for bedding situations, construction details, elevations, connections to existing drainage structures, and construction notes; and
- h. details on proposed open channels including stationing, profiles, typical cross-sections, rip-rap and bedding details with gradation requirements, lining details, structural details for all inflow, outflow, and drop structures, and construction notes.

3.5 Construction criteria All storm drainage systems shall be constructed in accordance with the following criteria:

- a. roads, roadside ditches, and underground storm drains shall be designed to contain and control runoff generated by a ten (10) year, twenty-four (24) hour storm event without topping the curb (in the case of paved roads with concrete curbs and gutters) or

overflowing the roadside ditches. All roadway culverts, where required, must be designed to accommodate runoff generated by a twenty-five (25) year, twenty-four (24) hour storm. Ponding areas shall be designed to accommodate runoff generated by a one hundred (100) year, twenty-four (24) hour storm event;

- b. drainage channels may remove storm run-off from the road system at suitable locations and direct the run-off to an adjacent floodplain. Drainage channels must carry the run-off developed by a twenty-five year, twenty-four (24) hour storm event without topping dikes or banks. Structures shall not be erected in any drainage channel that would collect debris or impede the free flow of storm run-off;
- c. all construction must utilize engineering interpretations of the soil survey;
- d. drainage systems shall be designed and constructed that will insure that the inlet flow line elevations and the capacity are such that it 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;
- e. drainage channel widths shall include necessary room for maintenance as approved by the County; and
- f. buffer strips may not be developed except for planting trees, vegetation, or other like improvements. The following legend shall appear on the face of the plat in each buffer strip;

"This strip is reserved for the development of trees, other vegetation or other like improvements by the subdivider or any subsequent owner. All other improvements are prohibited unless expressly approved in writing by the County."

In addition, the similar language approved by the County shall also be included in the subdivider's disclosure statement, and in his deeds as a covenant running with the land.

DISCLOSURE STATEMENTS

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING NO MORE THAN FOUR (4) PARCELS

YOU SHOULD READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING.

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease, or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure statement before you decide to buy, lease, or otherwise acquire the described property.

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

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is information only.

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

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

County regulations require that any deed, real estate contract, lease, or other instrument conveying an interest in a parcel in the subdivision be recorded with the Chaves County Clerk.

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

1. NAME OF SUBDIVISION

(name of subdivision) _____

2. NAME AND ADDRESS OF SUBDIVIDER

(name of subdivider) _____

(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 subdivided 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) _____

(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

(state here all deed and plat restrictions affecting the subdivided land) _____

5. UTILITIES (List names of entities providing service, if available)

(electric) _____ (estimated cost per parcel) _____ (date to be installed) _____

(gas) _____ (cost) _____ (date) _____

(water) _____ (cost) _____ (date) _____

(telephone) _____ (cost) _____ (date) _____

(liquid waste disposal) _____ (cost) _____ (date) _____

(solid waste disposal) _____ (cost) _____ (date) _____

6. UTILITY LOCATION

(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) _____

(state whether each utility will be above ground or underground) _____

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

7. WATER AVAILABILITY

(describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic use) _____

(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) _____

8. 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) _____

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

(state whether wells will be provided by the subdivider or by the prospective owner) _____

(if wells are provided by prospective owner, 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 prospective owner) _____

(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) _____

10. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board of County Commissioners for use within the subdivision) _____

NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS

11. SOLID WASTE DISPOSAL

(describe the means of solid waste disposal that is proposed for use within the subdivision) _____

12. 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 Chaves 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 all parcels within the subdivision that are subject to flooding) _____

(identify by lot and block 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) _____

13. 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 whether the roads within the subdivision have been accepted for maintenance by the County) _____

(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 will be maintained and describe lot owner's responsibilities and obligations with respect to road maintenance) _____

14. MAINTENANCE

(state whether the roads and other improvements within the subdivision 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) _____

15. CONSTRUCTION GUARANTEE (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, letters of credit, or other collateral securing the completion of each proposed improvement) _____

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

16. ADVERSE OR UNUSUAL CONDITIONS

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

17. 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)

18. LAW ENFORCEMENT (list the law enforcement agencies that patrol the subdivision)

(sheriff's department, if applicable)

(other departments, if applicable)

19. 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)

20. HOSPITALS

(name of nearest hospital)

(distance to nearest hospital and route over which distance is computed)

(number of beds in nearest hospital)

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING FIVE (5) OR MORE PARCELS

YOU SHOULD READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING.

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease, or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure statement before you decide to buy, lease, or otherwise acquire the described property.

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

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is information only.

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

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

County regulations require that any deed, real estate contract, lease, or other instrument conveying an interest in a parcel in the subdivision be recorded with the Chaves County Clerk.

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

1. NAME OF SUBDIVISION

(name of subdivision)

2. NAME AND ADDRESS OF SUBDIVIDER

(name of subdivider) _____

(address of subdivider) _____

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

(name of person in charge of sales, leasing or other conveyance) _____

(address of person in charge of sales, leasing or other conveyance) _____

(telephone number of person in charge of sales, leasing or other conveyance) _____

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

Present

Anticipated

(number of parcels) _____

(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 of person who is recorded as having legal title) _____

(address of person who is recorded as having legal title) _____

NOTE: 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 of person who is recorded as having equitable title) _____

(address of person who is recorded as having equitable title) _____

NOTE: 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) _____

(number of real estate contracts on the subdivided 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 and plat restrictions affecting the subdivided land) _____

13. ESCROW AGENT

(name of escrow agent) _____

(address) _____

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

14. UTILITIES

<u>NAME OF ENTITY PROVIDING SERVICE (if available)</u>	<u>ESTIMATED COST (per parcel)</u>
(electricity) _____	(cost) _____
(gas service) _____	(cost) _____
(water) _____	(cost) _____
(telephone) _____	(cost) _____
(liquid waste disposal) _____	(cost) _____
(solid waste disposal) _____	(cost) _____

15. INSTALLATION OF UTILITIES

<u>UTILITY SERVICE</u>	<u>DATE OF INSTALLATION</u>
(electricity) _____	(date) _____
(gas) _____	(date) _____
(water) _____	(date) _____
(telephone) _____	(date) _____
(liquid waste disposal) _____	(date) _____

(solid waste disposal) _____

(date) _____

16. UTILITY LOCATION

(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) _____

ARE UTILITIES TO BE ABOVE GROUND OR UNDERGROUND

<u>Above ground</u>	<u>Underground</u>	<u>Utility</u>
<input type="checkbox"/>	<input type="checkbox"/>	(electricity) _____
<input type="checkbox"/>	<input type="checkbox"/>	(gas) _____
<input type="checkbox"/>	<input type="checkbox"/>	(water) _____
<input type="checkbox"/>	<input type="checkbox"/>	(telephone) _____
<input type="checkbox"/>	<input type="checkbox"/>	(liquid waste disposal) _____
<input type="checkbox"/>	<input type="checkbox"/>	(solid waste disposal) _____

17. WATER AVAILABILITY

(describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic uses) _____

(describe the availability and sources of water to meet the subdivision's maximum annual water requirements) _____

(describe the means of water delivery within the subdivision) _____

(describe any 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) _____

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

(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 about 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 with the approval of the Board of County Commissioners 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) _____

(whether or not the subdivider's proposal for water quality conforms to the County's water quality regulations) _____

25. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board of County Commissioners for use within the subdivision) _____

NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS

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) _____

(whether or not the subdivider's proposal for liquid waste disposal conforms to the County's liquid waste disposal regulations) _____

27. SOLID WASTE DISPOSAL

(describe the means of solid waste disposal that is proposed for use within 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 needs of the subdivision in conformity with state regulations)

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

(whether or not the subdivider's proposal for solid waste disposal conforms to the County's regulations on solid waste disposal)

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 Chaves 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 number 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)

(whether or not the subdivider's terrain management proposals conform to the County's regulations on terrain management)

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 whether the roads within the subdivision have been accepted for maintenance by the County) _____

(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 other improvements within the subdivision 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) _____

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) _____

(whether or not the subdivider's access proposals conform to the County's regulations on access) _____

34. CONSTRUCTION GUARANTEES

(describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale) _____

(describe all performance bonds, letters of credit or other collateral securing the completion of each proposed improvement) _____

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

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. 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, letters of credit or other collateral securing the construction of each proposed recreational facility and describe any such bond, letter of credit or other collateral) _____

37. 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) _____

38. POLICE PROTECTION

List the various police units that patrol the subdivision.

(sheriff's department, if applicable) _____

(municipal police, if applicable) _____

(state police, if applicable) _____

39. 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) _____

40. HOSPITALS

(name of nearest hospital) _____

(distance to nearest hospital and route over which that distance is computed) _____

(number of beds in nearest hospital) _____

41. SHOPPING FACILITIES

(description of nearest shopping facilities including number of stores) _____

(distance to nearest shopping facilities and route over which that distance is computed) _____

42. PUBLIC TRANSPORTATION

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

APPENDIX E SAMPLE FORMS

- E-1 Claim of Exemption Form
- E-2 Notification of Review of State Register of Cultural Propertie
- E-3 Entitlement of Exemption Form
- E-4 Certificate of Filing

CLAIM OF EXEMPTION

To claim an exemption from the requirements of the Chaves 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 Planning and Environmental (P&E) Services Department, PO Box 1817, Roswell, NM 88202-1817. Be sure to check all exemptions which apply and attach legible copies of all supporting documents.

The County P&E Services Director 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, or if you do not hear from the County P&E Services Director within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Chaves County Subdivision Ordinance. If your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the Chaves County Subdivision Ordinance.

I, _____, claim an exemption from the requirements of the New Mexico

Subdivision Act and the Chaves County Subdivision Ordinance. I 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 division of land created by court order where the order creates no more than one parcel per party. **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 and is ten (10) acres or larger in size. **ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. CONVEYANCE DOCUMENTS SHALL INCLUDE AN AFFIDAVIT SWORN BY THE BUYER AND THE SELLER THAT THE LAND WILL BE USED PRIMARILY FOR FARMING AND/OR RANCHING ACTIVITIES. THE AFFIDAVIT MUST BE ATTACHED TO THE DEED WHEN RECORDED.**
- 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 DOCUMENTS DEMONSTRATING FAMILY RELATIONSHIP CLAIMED. ATTACH CERTIFIED SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION.**
- 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).**

FOR OFFICIAL USE ONLY

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

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

Date

Name and title

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

Name of proposed subdivision: _____

Name of owner: _____

Name of developer: _____

Location of project (Attach copy of vicinity map showing size (acres) and location (section, township, range)).

Results of review: No listed cultural properties within the boundaries of the proposed subdivision
 Cultural properties exist within the boundaries of the proposed subdivision
(A copy of this NOTIFICATION has been sent to the New Mexico Historic Preservation Division)

A F F I D A V I T

STATE OF NEW MEXICO)
) ss
COUNTY OF CHAVES)

Comes now _____, and after being first duly sworn, states as follows:

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

Company or Organization Represented Address (street)

City, State, ZIP Telephone Number(s)

SIGNATURE

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19_____

My Commission expires: _____ Notary Public

ENTITLEMENT OF EXEMPTION

Name of owner: _____

Location of property (State size (acres) and location (section, township, range):

Exemption claimed: (Quote from NM State Subdivision Act - Chapter 47, Article 6, NMSA 1978)

A F F I D A V I T

STATE OF NEW MEXICO)
) ss
COUNTY OF CHAVES)

Comes now _____, and after being first duly sworn, states
as follows:

I certify that the information provided by me in this Entitlement of Exemption is true and correct, that all statements about the condition of the property and the actions that are to be taken are true and accurate, and that I have the permission of the current owner of the property to take this action.

Company or Organization Represented

Address (street)

City, State, ZIP

Telephone Number(s)

SIGNATURE

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19____

My Commission expires:

Notary Public

CERTIFICATION OF FILING
for
Title Conveyance Instrument

Name of owner: _____

Location of property (State size (acres) and location (section, township, range):

A F F I D A V I T

STATE OF NEW MEXICO)
) ss
COUNTY OF CHAVES)

Comes now _____, and after being first duly sworn, states
as follows:

I certify that the filing of this deed, real estate contract, or other conveyance instrument does not violate the New Mexico State Subdivision Act (Chapter 47, Atricle 6 NMSA 1978) or the Chaves County Subdivision Ordinance No. 51, and that I have the permission of the current owner of the property to take this action.

Company or Organization Represented

Address (street)

City, State, ZIP

Telephone Number(s)

SIGNATURE

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19____

My Commission expires:

Notary Public

APPENDIX G
CHAVES COUNTY NEW MEXICO
SUBDIVISION ORDINANCE NO 51

REVISIONS

THE CHAVES COUNTY NEW MEXICO SUBDIVISION ORDINANCE is an ordinance of the elected, governing body of Chaves County, New Mexico. Anyone may propose amendments to this ordinance through the Chaves County Zoning Administrator at PO Box 1817, Roswell, NM 88202.

AN ANALYSIS OF CHANGES is published and updated with each printing.

REVISIONS

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