

Amendments to the Subdivision Regulations for San Miguel County, New Mexico
San Miguel County Ordinance No. SMC-06-25-96-ORD

- ARTICLE 2. Definitions and Word Usage
Director- the following words are added: "the Director shall also refer to the Community Development Director of San Miguel County."
Planning and Zoning Office - the following words are added: "Planning and Zoning Office shall also include the Community Development Department."
- ARTICLE 4.5.1 Purpose, Subsection e - the following words are added: "and there is adequate planning for impact of traffic generated onto state highways."
- ARTICLE 4.5.2 Subsection d - the following words are added: "and information on the amount of vehicles generated per day onto state highways."
- ARTICLE 4.5.3 Filing specifications. Line 2 is amended by deleting "twenty (20)" and inserting "twenty-two (22)."
- ARTICLE 5.3.1 Filing specifications. Line 2 is amended by deleting "preliminary" and inserting "final". Line 5 is amended by deleting "preliminary" and inserting "final."
- ARTICLE 6.1.5 Agency Review. Lines 1 and 2 are amended by deleting "the Board of County Commissioners" and inserting the "Planning and Zoning Director."
- ARTICLE 6.1.7 Action. Line 7 is amended by deleting "Commission" (first word in line) and inserting "Board." Line 7 is amended by deleting "Commission" (last word in line) and inserting "Director." Line 12 is amended by deleting "Commission" and inserting "Director." Line 12 is amended by deleting "its" and inserting "his." Line 13 is amended by deleting "Director or designated individual" and inserting "Board."
- ARTICLE 6.1.8 Approval. Delete the sentence beginning on line 6 and ending on line 9: "the Board of County Commissioners will again review the application and approve, approve with conditions or disapprove the request."
- ARTICLE 6.2.1 Filing specifications. Line 9 is amended by deleting "seventeen (17)" and inserting "nine (9)."
- ARTICLE 7.6.2 Verifications of Exemptions, Subsection b. Line 1 is amended by deleting "Commission" and inserting "Director." Subsection c, Line 2 is amended by deleting "Commission" and inserting "Director."

ARTICLE 7.7.2 Delete the entire paragraph and replace with:

Registered Cultural Properties. Any person desiring to subdivide land in the county shall demonstrate that they have reviewed the latest edition of the State Register of Cultural Properties ("the Register") that has been provided to the county by the State Historic Preservation Division; and

- a. if there are no such properties entered in the Register that are within the boundaries of the proposed subdivision, the subdivider shall provide a signed affidavit to that effect in the application package for subdivision approval; or
- b. if any such properties entered in the Register exist within the boundaries of the proposed subdivision, the subdivider shall provide a signed affidavit to that effect in the application package for subdivision approval. The county will then consult with the Historic Preservation Division pursuant to the Cultural Properties Act 18-6-1 through 18-6-17 NMSA 1978.
(REFERENCE TO APPENDIX A)

County of San Miguel

Rebecca A. Medina

County Clerk

10368

Filed For Record On

Date July 23, 1996

Time 11:45 A.M.

Book 236 of MISC PgE 3381

Deputy Rebecca Medina

**SAN MIGUEL COUNTY ORDINANCE NO. SMC-06-25-96-ORD,
RELATING TO, PROMULGATING AND ADOPTING SUBDIVISION
REGULATIONS FOR SAN MIGUEL COUNTY, NEW MEXICO**

WHEREAS, on Tuesday, June 25, 1996, and on Tuesday, July 16, 1996, at the large courtroom of the San Miguel County Courthouse, Las Vegas, New Mexico, the Board of County Commissioners of San Miguel County, New Mexico, held and conducted a public hearing to consider the adoption of San Miguel County Ordinance No. SMC-06-25-96-ORD, being the within ordinance relating to, promulgating and adopting subdivision regulations for San Miguel County, as allowed and provided by Section 47-6-10, NMSA 1978, as amended by Chapter 212, Laws of 1995; and

WHEREAS, San Miguel County Ordinance No. SMC-06-25-96-ORD, relates to and provides for the regulation of subdivisions within the exterior boundaries of San Miguel County, and sets forth the County's requirements for the following, as allowed by Section 47-6-9, NMSA 1978, as amended by Chapter 212, Laws of 1995: (1) preliminary and final subdivision plats, including their content and format; (2) quantifying the maximum annual water requirements of subdivisions, including water for indoor and outdoor domestic uses; (3) assessing water availability to meet the maximum annual water requirements of subdivisions; (4) water conservation measures; (5) water of an acceptable quality for human consumption, and for protecting the water supply from contamination; (6) liquid waste disposal; (7) solid waste disposal; (8) legal access to each parcel; (9) sufficient and adequate roads to each parcel, including ingress and egress for emergency vehicles; (10) utility easements to each parcel; (11) terrain management; (12) phased development; (13) protecting cultural properties, archaeological sites and unmarked burials, as required by the Cultural Properties Act; (14) specific information to be contained in a subdivider's disclosure statement in addition to that required in Section 47-6-17 NMSA 1978; (15) reasonable fees approximating the cost to the county of determining compliance with the New Mexico Subdivision Act and county subdivision regulations while passing upon subdivision plats; (16) a summary procedure for reviewing certain type-three and all type-five subdivisions as provided in Section 47-6-11 NMSA 1978; (17) recording all conveyances of parcels with the county

clerk; (18) financial security to assure the completion of all improvements that the subdivider proposes to build or to maintain; (19) fencing subdivided land, where appropriate, in conformity with Section 77-16-1 NMSA 1978, which places the duty on the purchaser, lessee or other person acquiring an interest in the subdivided land to fence out livestock; and (20) any other matter relating to subdivisions that the Board of County Commissioners of San Miguel County feels is necessary to promote health, safety or the general welfare; and

WHEREAS, the within subdivision regulations provide for and contain requirements that are more stringent than the requirements set forth in the New Mexico Subdivision Act, 47-6-1, et seq., NMSA 1978, as amended by Chapter 212, Laws of 1995; which more stringent requirements are consistent with the Land Development Standards and comprehensive plan adopted by the County pursuant to the requirements of Section 3-21-5, NMSA 1978, on July 8, 1986, being San Miguel County Ordinance 86-2, as amended; and

WHEREAS, all interested persons were invited and had a right to attend the aforesaid public hearing held June 25 and July 16, 1996, and were given reasonable opportunity to submit data, views or arguments, orally or in writing, and to examine witnesses testifying at the hearing; and

WHEREAS, copies of the proposed subdivision regulations, were made available to the public at the office of the San Miguel County Planning and Zoning Department, San Miguel County Courthouse Annex, Las Vegas, New Mexico 87701, subject to a reasonable charge for the costs of reproducing the proposed regulations; and written comments and objections to the proposed subdivision regulations were invited at said office through the end of business hours on Thursday, June 20, 1996; and

WHEREAS, representatives from the New Mexico State Engineer's office, Department of Environment, Office of Cultural Affairs, State Highway and Transportation Department and the Attorney General, and all soil and water conservation districts within San Miguel County, were given the opportunity to make an oral statement at the aforesaid public hearing and to enter into the record of the hearing a written statement setting forth any comments that they had about the proposed regulations, whether favorable or unfavorable, when the proposed regulation related to an issue that was within the agencies' respective area of expertise; and

WHEREAS, the Board of County Commissioners of San Miguel County took formal action on the adoption of Ordinance No. SAC-06-25-96-OD, at the conclusion of the aforesaid public hearing on July 16, 1996, and upon doing so, the Board of County Commissioners included in the record a short statement setting forth the Board's reasoning and the basis of the Board's decision, including the facts and circumstances considered and the weight given to those facts and circumstances; and

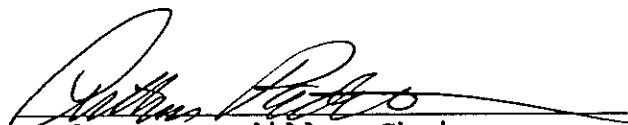
WHEREAS, San Miguel County Ordinance No. SMC-06-25-96-ORD, shall become effective thirty days after such Ordinance is filed with the San Miguel County Clerk and the State Records Administrator; and

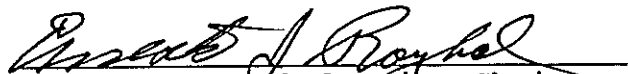
WHEREAS, San Miguel County Ordinance No. SMC-06-25-96-ORD, and its adoption by the Board of County Commissioners, complies with all notice, hearing, procedural and substantive requirements of the New Mexico Subdivision Act, as amended by Chapter 212, Laws of 1995, and such Ordinance shall take effect and become effective pursuant to and as authorized by the New Mexico Subdivision Act, as amended by Chapter 212, Laws of 1995; and

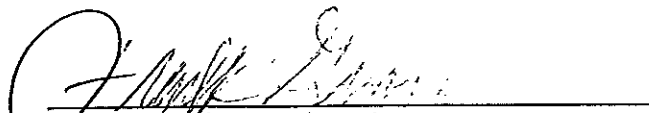
WHEREAS, notice of the proposed adoption of San Miguel County Ordinance No. SMC-06-25-96-ORD was given, made and published at least thirty days prior to June 25, 1996, in the Las Vegas Daily OPTIC, a newspaper published and having general circulation in San Miguel County, New Mexico, and delivered to the affected State agencies, as required by Section 47-6-10, NMSA 1978, as amended by Chapter 212, Laws of 1995, as further required by Sections 4-37-7 and 10-15-1, et seq., NMSA 1978, and as otherwise required by law;

BE IT NOW, THEREFORE, RESOLVED, ORDAINED AND DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO, THAT SAN MIGUEL COUNTY ORDINANCE NO. SMC-06-25-96-ORD, BEING AND CONSTITUTING THE COUNTY'S SUBDIVISION REGULATIONS, AND CONSISTING OF ARTICLES 1 TO 15, INCLUSIVE OF THE APPENDICES AND FORMS THERETO ATTACHED, BE, AND THE SAME IS HEREBY ADOPTED, APPROVED AND ORDAINED THIS 16TH DAY OF JULY, 1996.

MOVED, SECONDED, ADOPTED AND ORDAINED THIS 16TH DAY OF JULY, 1996, BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO.


Arthur J. Padilla, Chairman


Ernesto J. Roybal, Vice-Chairman


Frank Griego, Member

Eloy Gonzales, Member

I. Lloyd Herrera, Member

ATTEST:

Rebecca A. Medina
Rebecca A. Medina
San Miguel County Clerk

(S E A L)

County of San Miguel
Rebecca A. Medina
County Clerk

Filed For Record On

Date

July 23, 1996

Time

11:45 A.M.

Book

236 of Misc PgE 3381

Deputy

Rosa Duran

Witness My Hand and Seal

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FLOW CHARTS - FOLLOWING APPENDIXES

1. Adopting, Amending, Repealing County
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2. Preliminary Plat Review (1, 2, 3*, 4) (Art. 4)
3. Final Plat Review (1, 2, 3*, 4) (Art. 5)
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ARTICLE 1. GENERAL PROVISIONS

Section 1.1. Title

This ordinance shall be known and may be cited as the "San Miguel 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

The San Miguel Board of County Commissioners hereby declares that the public health, safety, comfort, convenience, and welfare of the people of the county require the harmonious, orderly, and progressive development of land within the county. These regulations provide for the control by the county of the subdivision of land and provide for the procedures for: subdividing, design standards for; protection of cultural properties and archaeological sites, and of highway access, water supply, water quality, liquid and solid waste disposal, and terrain management in subdivisions; also, minimum requirements for plats and plans, procedures, variances, fees, and disclosure requirements.

The Board further declares that the purpose of such control is to secure:

1. The establishment of standards of subdivision design which will encourage the development of sound, economically stable communities and the creation of healthful living environments;
2. The efficient, adequate, and economic supply of utilities and services for new land developments;
3. The prevention of traffic hazards and provision of safe, convenient traffic circulation, both vehicular and pedestrian, in new land developments;
4. The provision of public open spaces in new land developments through the dedication or reservation of land for recreational and other public purposes;

5. The provisions 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;
6. The guidance of future growth and development of the County in accordance with the county's comprehensive plan;
7. The protection of 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;
8. The protection of agricultural land based on it's traditional uses; and
9. The accurate and complete surveying of subdivisions, and the preparation and recording of plats; and, the further purpose of such control is to aid in the coordination of land development in the county in accordance with orderly physical patterns, and to implement such comprehensive master plans, or parts thereof, and such zoning ordinances and environmental considerations, and other measures in furtherance of master plans as may have been or may hereafter be adopted by the Board of County Commissioners of San Miguel County, New Mexico.

Section 1.4. Jurisdiction

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

In the case of common lands subject to the authority of a land grant board of trustees, proposed subdivisions must be approved by both the board of county commissioners and the land grant's board of trustees.

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.

ARTICLE 2. DEFINITIONS AND WORD USAGE

The definitions of terms listed below shall guide the interpretations of these regulations. Where a word in these Regulations is not defined, the Planning and Zoning Director shall be responsible for its proper definition.

Words used or defined in one tense or form shall include other tenses. Words in the singular form shall include the plural form. Words in the plural form shall include the singular form. Words used in the masculine form shall include the feminine form, and words in the feminine form shall include the masculine form. The word "shall" is mandatory. The word "may" is permissive. The term "person" includes individuals, firms, corporations, associations, trusts, and other similar interests. Other definitions used within these Regulations may be found in other Articles or Sections of these Regulations or may be found within the San Miguel County Land Development Standards.

ABANDONMENT - The surrender, desertion, relinquishment, disclaimer, or cession of property or of rights. Voluntary relinquishment of all right, title, claim and possession, with the intention of not reclaiming it. The giving up of a thing absolutely, without reference to any particular person or purpose, as vacating property with the intention of not returning, so that it may be appropriated by the next comer or finder. It includes both the intention to abandon and the external act by which the intention is carried into effect.

ABUT OR ABUTTING - A bordering or touching of two separate features where there is no intervening space.

ACCEPTANCE - Acceptance of any dedicated land within a subdivision, including roads, by the county, for public use and/or for maintenance. Approval of the subdivision does not constitute acceptance of dedicated land for the purpose of maintenance. Such acceptance shall be accomplished in a separate procedure from the approval of the subdivision. The acceptance procedure shall include petitioning the county commissioners at an open meeting and inspection of the site by commission appointed viewers to assure that county specification have been met. The county commissioners may or may not accept dedicated land within a subdivision depending on the feasibility of such action.

ACCESS - A means of vehicular approach to or exit from

property.

ADJACENT TO - A bordering of two separate features where there is either no intervening space or there is a narrow intervening space such as an alley or railroad line. However, where a street right of way is situated between two lots, the two lots shall not be considered to be adjacent to each other.

ALLEY - A public way reserved as a secondary means of access to abutting property.

APPEAL - A process for obtaining review.

APPLICANT - A person submitting an application for approval of a subdivision.

BLEED-OFF WATER - Water that is used to reduce mineral build-up on the pads inside an evaporative cooler.

BLOCK - The distance measured along a street between intersecting streets from center line to center line.

BOARD - Board of County Commissioners of San Miguel County, New Mexico.

BOARD OF ADJUSTMENT - The board is also the Planning and Zoning Commission.

BOND - A written obligation in the form of a surety, collateral agreement or security agreement, drawn in favor of San Miguel County, by a subdivider, either by himself or by a third party, guaranteeing the performance of certain acts as required by the Board of County Commissioners, whereby the subdivider either agrees to perform certain acts or indemnify the county if the subdivider fails to perform said acts and, for the public health, safety or welfare, it becomes necessary for the county to perform those acts in the stead of the subdivider.

BUFFER STRIP -

- A. Any strip of land adjoining the larger tracts of land.
- B. The land adjoining a watercourse or drainage channel with a vertical bank of at least 45 degrees.
- C. The land extending perpendicularly from the vertical bank of the water-course or drainage

channel to a distance three times the depth of the watercourse or drainage channel measured from the bottom of the watercourse or drainage channel to the top of the vertical bank.

BUILDABLE AREA - The gross developable area of a lot which remains after the required yards have been excluded and within which building and structures may be placed.

BUILDING - Any structure built or intended for the support, shelter or enclosure of persons, animals or property of any kind. When any portion of a building is completely separated from any other portion thereof by a division wall without opening or by a fire wall, then each portion is a building.

BUILDING, ACCESSORY - A building which is subordinate to and serves a principal structure or use, and is located on the same lot as the principal structure or use.

BUILDING HEIGHT - The vertical distance from the finished grade measured at the midpoint of the front building facade or the midpoint of the rear building facade, whichever results in a greater height, to the highest point of a flat roof to the deck line of a mansard roof, to the average distance between eaves and ridge for gable, hip and gambrel roofs, or, if no roof, to the highest point of any structure.

BUILDING PERMIT - A certificate detailing planned construction of a new building or repairs or alterations to an existing structure, issued by the Planning and Zoning Director or designated person, ensuring compliance with all provisions of these regulations.

BUILDING, PRINCIPAL - The building in which the principal use conducted on the lot is located.

BUILDING SETBACK LINE OR BUILDING LINE - That line parallel to and of the same configuration as the lot line, and which is located opposite the lot line for the minimum yard depth distance required by this ordinance, and in front of which no structure shall be permitted, erected or placed, unless otherwise expressly permitted by this ordinance.

CAMPGROUND - See RECREATIONAL VEHICLE PARK AND CAMPGROUNDS

CERTIFICATE OF COMPLETION/OCCUPANCY - A certificate is issued

COLLATERAL - Property or bond which is pledged as security for performance of any promises made by a subdivider in a disclosure statement, or for any act required to be done by the Board of County Commissioners which is additional security for performance of the subdivision's obligations, and shall constitute a security interest in the real property sought to be divided.

COMMISSION - Refers to "Planning and Zoning Commission" of San Miguel County.

COMMON LIQUID WASTE TREATMENT SYSTEM - A liquid waste system which provides liquid waste management to more than one lot by an entity other than the individual lot owner.

COMMON PROMOTIONAL PLAN - Any plan or scheme of operation; undertaken by a single subdivider or a group of subdividers acting in concert, to offer for sale or lease parcels of land where such land is either 1) contiguous or part of the same area of land or 2) is known, designated or advertised as a common unit or by a common name

COMMON WATER SYSTEM - A water supply system which provides water to more than one lot by an entity other than the individual lot owner.

COMPREHENSIVE PLAN - A plan presenting the data, consideration and policies for the physical, social, economic, and environmental development of the unincorporated area of San Miguel County.

CONTIGUOUS - Refers to adjacent parcels sharing a boundary line or separated only by a road, right-of-way or easement.

CONSTRUCTION, START OF - The duly permitted permanent placing or erection of construction materials into position. When excavation or removal of an existing structure has commenced in preparation for new construction, such excavating or removal shall be deemed to be the start of construction provided that work continues thereafter until the new construction is completed. The term includes built, constructed, reconstructed, moved upon or any physical operation on the premise required for building.

COUNTY - San Miguel County, New Mexico

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

COUNTY ENGINEER - The County Engineer for San Miguel County, New Mexico, whether employed or contracted on a consulting basis.

COUNTY MANAGER - The County Manager of San Miguel County, New Mexico.

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

DEDICATION - The dedication of property, including roads:

- A. "Dedicated to public use" is an easement granted by the property owner for use by the public;
- B. "Dedicated to public use and accepted by the County" is an appropriation of land by the County for public easement purposes, accepted for such use by the County on behalf of the public;
- C. "Dedicated to the County and accepted for maintenance" is an appropriation of land by the County for public easement purposes and accepted for such use by the county on behalf of the public. Such property, having met minimum specifications for acceptance by the County and accepted thereby for maintenance by the County.

DESIGN FLOW - The quantity of liquid waste to be received by a liquid waste system.

DEVELOPER - Any person engaged in developing or improving a project or group of lots for use, occupancy, sale, and lease.

DEVELOPMENT - The making of any material change in the use or appearance of any structure of land, including construction, reconstruction, alteration, repair, addition to or location of a structure, use of land or a structure, and division of surface area of land.

DIRECTOR - The Planning and Zoning Director of San Miguel County.

DISCLOSURE STATEMENT -

1. A written presentation containing such information

as the Board of County Commissioners may be required to permit a prospective purchaser or lessee to make an informed decision about the purchase or lease of land.

2. Statement required to be given to persons acquiring an interest in subdivided land; this statement complies with the requirement of §47-6-17 NMSA 1978.

DISTRICT - A designated zoning classification available for application to land within the zoning jurisdiction of the county and within which the regulations for particular types of uses or structures are uniform. The term includes "zoning district."

DOUBLE FRONTAGE LOT - A continuous (through) lot of the same depth as the width of a block which is accessible from both of the streets upon which it fronts.

DRAINAGE - The removal of surface water or groundwater from land by "drains", grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE COURSE - A natural watercourse or indenture for the drainage of surface waters.

DRIVEWAY - That minimum area of land required to provide reasonable vehicular access from the street to the buildings or other improvements on a premises.

DUE PUBLIC NOTICE - When used in connection with notification for public hearing held pursuant to the provisions in Article 4, Section 3 of this ordinance.

DWELLING - A building designed exclusively for residential purposes, including single family and multi-family dwelling, but not including hotels and motels.

DWELLING UNIT - A room or suite of rooms with kitchen and bath facilities designed as a unit for occupancy by one family.

DWELLING, SINGLE FAMILY - A dwelling designed for, and occupied by not more than one (1) family.

DWELLING, MULTIPLE FAMILY - A building designed exclusively for occupancy by two (2) or more families living independently of each other and containing two (2) or more dwelling units. This definition includes row houses.

EASEMENT - A right of privilege that a person or persons may have on another's land, such as the right of passage.

ENGINEERING INTERPRETATIONS - The evaluation of soil properties that might affect intended uses.

ENVIRONMENTAL IMPACT STATEMENTS - Documents which are required by federal and state laws to accompany proposals for major projects and programs that will likely have an impact on the surrounding environment.

EXTRATERRITORIAL ZONING AREA - That area which is within the boundaries agreed to by the governing bodies of a municipality and the San Miguel Board of County Commissioners in conformance with state law.

EXTRATERRITORIAL ZONING AUTHORITY - The joint county/municipality board appointed by the body of municipality which has zoning jurisdiction within the Extraterritorial Zoning area.

EXTRATERRITORIAL ZONING COMMISSION - A commission appointed by the governing body of a municipality and board of county commissioners who shall recommend a zoning ordinance to the Extraterritorial Zoning Authority which is applicable to the Extraterritorial Zoning area.

FINAL PLAT - Map, chart, survey, plat, or replat, certified by a licensed, registered land surveyor, which contains a description of the subdivided land with ties to permanent monuments prepared in a form suitable for filing record.

FINISHED GRADE - The completed surface of lawns, walks, driveways or streets brought to the grade shown on any building or development plans.

FRONTAGE - The distance along a street line from one intersecting street to another, or from one intersecting street to the dead-end of a dead-end street.

FUTURE STREET LINE - A line running more or less parallel to the centerline of certain existing or proposed streets as

established by the county for the purpose of delineating the future widths of street right-of-way.

FLOOD HAZARD BOUNDARY MAP - An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated.

HIGHWAY - Any road on the federal, state and county road systems.

HYDROLOGIC REPORT - A report on water availability.

IMMEDIATE FAMILY MEMBER Husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandparents, grandson, step grandson, granddaughter, step granddaughter, nephew, niece, aunt and uncle, whether related by natural birth or legal adoption.

IMPERVIOUS SURFACE - Surfaces which do not absorb water. They consist of all buildings and any areas of concrete or asphalt.

INCOMPATIBLE USE - A use which is inconsistent or otherwise inappropriate to the existing land uses within the surrounding areas.

INDIVIDUAL WATER SUPPLY SYSTEM - A water supply system in which each lot provides its own water.

INTENSITY CLASS - A measure of the magnitude and negative impacts of land use on the environment and neighboring land uses.

INTERESTED PARTY - The most general term that can be employed to denote a right, claim, title, or legal share in something. For the purposes of an administrative hearing, interested parties are those who have a legally recognizable private interest and not a simple pecuniary interest. First National Bank v. Oklahoma Savings & Loan Bd. 569 P. 2d993 (Okla.1977).

LAND - The surface of the earth including water bodies and wetlands.

LAND GRANT (Mercedes) - Spanish or Mexican grants of land designed to colonize and develop unoccupied lands in the Southwest. Land Grants were of three types:

Proprietary Grants: given to individuals;
Community Grants: given to ten or more families or to pueblo communities; and,
Sitio or Ranch Grants which varied in size from one square league during the colonial period to hundred of thousands of acres during the Mexican period.

Mercedes is defined as a grant of land or water (see Land Grants & Lawsuits in Northern New Mexico by Malcolm Ebright, 1994.

Spanish and Mexican land grants were protected under the Treaty of Guadalupe-Hidalgo, 1848, which terminated the Mexican American War.

LEASE - To lease, rent, lease purchase, or offer to lease land.

LOT -

A. A tract or parcel of land platted and placed on the county clerk's record in accordance with laws and ordinances, or

B. A tract or parcel of land held in separate ownership as shown on the records of the County Clerk, Assessor or Treasurer prior to August 18, 1986, effective date of the San Miguel County Land Development Standards Ordinance 86-2.

LOT, CORNER - A lot abutting two or more streets at their intersection.

LOT DEPTH - The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR - A lot with only one frontage on a street.

LOT AREA - An area of land which is bounded by the lot lines or development site boundary lines and which is exclusive of public right-of-way or easements for private rights-of-way.

LOT COVERAGE - That area of a lot from the ground up which is occupied by principal and accessory structures or buildings.

LOT FRONTAGE - Any lot which abuts a public street right-of-way where direct vehicular access is allowed from the abutting portion of the lot to the street right-of-way.

The required lot frontage is the minimum distance measured along the front lot line which is specified for a lot within a particular zoning district. With reference to a lot, the term of exemption "street frontage" is equivalent to the term "lot frontage."

LOT FRONTAGE, PRINCIPAL On interior lots, the principal lot frontage is the only lot frontage. On corner lots the principal lot frontage is generally the lot frontage with the lesser linear dimension along one of the two abutting streets. On through lots, the principal lot frontage is generally determined as coinciding with the most common principal frontage of other lots on the block.

LOT LINES - The legal perimeter boundary lines of a lot.

LOT LINE, FRONT - The lot of line abutting the principal street frontage.

LOT LINE, REAR - That boundary which is opposite and more or less parallel to the front lot lines. In the case of an L-Shaped or other irregularly shaped lot where two or more lines are so located, all shall be considered to be rear lines, except such as may be within 50 feet of the front lot line, or which may be 20 feet or less in length. In the case of a lot which comes to a point at the rear, the rear lot line shall be that imaginary line parallel to the front lot line, not less than 10 feet long, lying wholly within the lot farthest from the front lot line.

LOT LINE, SIDE - Any lot line that is not a front or rear lot line.

LOT LINE, STREET - Any lot line abutting a street right-of-way. A street lot line may also be a front, rear or side lot line depending upon its particular orientation with respect to the front lot line.

LOT WIDTH - The width of a lot at the front yard setback line.

MASTER DEVELOPMENT PLAN OR MASTER PLAN - A sketch, drawing or chart to scale of the land of an applicant which he proposes to develop in stages and other information as required in this ordinance.

MOBILE HOME - A dwelling designed to be drawn by a motor vehicle and to be used as a temporary or permanent human habitation, including trailer coach, trailer home, mobile

home and house trailer, or part of any self propelled vehicle, or removed therefrom, whether the same be with or without wheels, and whether or not attached to or incorporated in a building.

MOBILE HOME SUBDIVISION - Any area of land upon which two (2) or more mobile homes are placed for the purpose of sale, lease or other conveyance.

OCCUPANCY - The act of taking possession. In law, the taking possession of a thing not belonging to any person. The person who first takes possession of land is said to have or hold it by right of occupancy. Occupancy gave the original right to the property in the substance of the earth itself.

The taking possession of those things corporeal which are without an owner, with an intention of appropriating them to one's own use. Pothier defines it to be the title by which one acquires property in a thing which belongs to nobody, by taking possession of it with design of acquiring it.

OFFICIAL ZONING MAP - A graphic illustration of zoning boundaries and districts drawn and approved as part of the Land Development Standards of San Miguel County.

OPEN SPACE - That portion of land or water not used for buildings, street right-of-ways or off street parking and loading areas.

OWNER - Any person or his successor in interest who purchases or leases land within a subdivision or other development or who enjoys fee simple title to a lot.

OUTLOT - Term used to refer to an area of land on a plot which is to be used for a purpose other than a building site.

PARCEL -

(1) Unit of land capable of being described by location boundaries and not dedicated for public use.

(2) A surveyed piece of land, consisting of blocks and/or lots.

PARK - An area set apart for recreational purposes.

PARKING SPACE - A space adequate for parking an automobile

consisting of a minimum area nine feet wide by twenty feet long, exclusive of streets, alleys, driveways, aisles and the areas of egress and ingress.

PERENNIAL STREAM - A body of water evidencing flow of the water during a majority of the year.

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

PERSON AGGRIEVED - A person aggrieved is one whose legal right is invaded by a decision complained of, or whose pecuniary or property interest is directly affected by a decision. The person's interest must be specific and personal and not merely common to all members of the community. Any person who is required by this ordinance to receive personal notification of a hearing by mail shall be construed to be qualified as a person aggrieved, if so disposed. However, when the decision affects any public recreation area, a person aggrieved shall include any user of the area, if so disposed.

PLANNED UNIT DEVELOPMENT - A parcel of land under unified ownership, to be planned and developed in a unified manner according to the comprehensive and detailed plans and regulations specified for Planned Unit Developments in this ordinance.

PLANNING AND ZONING OFFICE - The department of the County of San Miguel which is responsible for zoning, planning, and subdivision administration.

PLANNING COMMISSION - The officially appointed Planning and Zoning Commission of San Miguel County, New Mexico.

PLAT - A map, chart, survey, plan or replat, certified by a licensed registered land surveyor, containing a description of the subdivided land with ties to permanent monuments. As used in the subdivision regulations, "plat" also means a map and other submittals as required by the subdivision regulations of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the proposed subdivision of land.

PREMISES - A lot, together with all buildings and structures thereon.

occupied by the principal use.

PRINCIPAL USE - The primary purpose for which the premise is intended to be used or, if not so used, its actual use.

PUBLIC USE - Use of any premise by any governmental entity including its subdivisions for a governmental purpose except for the provision of community utility services. The "public uses" includes such governmental operated or sponsored uses as office building, schools and colleges, community colleges, community libraries, parks and recreation centers, fire stations, police stations, post offices, botanical and zoological parks, hospitals, convention centers, penal detention centers, military bases and the like.

RECREATIONAL VEHICLE OR SHELTER - A vehicle or shelter designed primarily for temporary use as a portable dwelling unit for travel, recreational or camping purposes. Such vehicles or shelters are customarily no more than 8 ft. in width and 40 ft. in length. The term "recreational vehicle or shelter" includes the following types of vehicles or shelters:

Travel Trailer - A vehicle constructed of metal, wood or fiberglass, with one or two axles and designed to be towed behind a motor vehicle.

Motor Home - A self propelled and generally self-contained vehicle permanently constructed directly on or mounted on a truck or van chassis, and usually allowing for free access between driving and living compartments.

Tent, Tent Camper or Camping Trailer - A portable shelter usually fabricated of canvas or other water repellent and fire resistant material. The unit may be designed to collapse for independent storage or may be designed to fold out from a special trailer body towed behind a motor vehicle.

The term "recreational vehicle or shelter" is not synonymous with the terms "mobile Home," "house trailer" or trailer home."

REPLAT - A map, chart, survey or plan of a previously approved subdivision where the character has been changed or the layout has been rearranged by the original subdivider, or a serial or succeeding subdivider.

REPRESENTATIVE WATER SAMPLE - A water sample which can be expected to reflect the quality of water proposed for use.

RESOURCE PROTECTION AREAS - Resource protection areas are areas of the following types:

1. land areas with a slope of greater than 30 percent;
2. water impacted areas such as natural or man made floodways, officially designated major arroyos, river and stream channels, lakes, ponds and wetlands as well as a 25 ft. buffer strip adjoining the perimeter boundaries of all such water impacted areas.

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.

ROAD, COUNTY - A street which has been included in the most current San Miguel County Road Log as duly authorized by the New Mexico Highway Department or which has been established by the Board of County Commissioners in conformance with the petition procedure provided by state law. The county is not responsible for maintenance of non-county roads.

SAFE DISTANCE - The distance between a potential source of contamination and a water supply system source that insures no contamination will be drawn or will flow to the water supply system source, when conditions of the contamination source, water withdrawal and water levels are the most adverse.

SCHEDULE OF COMPLIANCE - A written plan provided by a subdivider detailing methods, procedures and a date by which certain improvements systems, or activities will be completed to satisfy the specific requirements of the subdivision regulations.

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

SECURITY - A performance bond, completion bond, letter of credit, certificate of deposit, cash, collateral, or any other assurance which the county deems acceptable for

completion of improvements.

SELL - To sell, or offer to sell.

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

SETBACK - The shortest distance between a structure and the present or future street line or property line, or right of way line of private access road.

SITE DEVELOPMENT PLAN - The combination of documents and exhibits required by this ordinance.

STANDARD ABSORPTION SYSTEM - A below grade soil absorption disposal system whose excavated depth is less than 4 feet from the ground surface.

STREET, PRIVATE - A street which is intended for common usage but which has not been dedicated or deeded to the public and has not been duly accepted for public ownership and maintenance. See road, county. The county is not responsible for maintenance of private streets.

STREET, PUBLIC - A street which has been dedicated or deeded to the public for common usage and which has been duly accepted for public ownership and maintenance. See road, county. The county is only responsible for maintenance of public streets designated as county roads.

STREET RIGHT-OF-WAY LINES - The perimeter boundaries of a street right-of-way.

STREET - A public or private right-of-way which affords a primary means of vehicular access to abutting lots or rental spaces. It is intended to include, as synonymous, the terms; street right-of-way, avenue, road, boulevard, calles, easements, or other similar terms. However, street does not include the terms alley or driveway.

STRUCTURE - Anything constructed or erected on the ground or attached to anything constructed or erected on the ground.

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, 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.

SUBDIVISION AGREEMENT - An agreement entered into between the subdivider and the county, for the purpose of setting forth conditions of approval of a subdivision, time limitations and compliance with conditions and completion of improvements, and security agreements for completion of improvements.

TERRAIN MANAGEMENT PLAN - The subdivider's proposal for the control of floods, drainage and erosion, and measures required for adapting proposed developments to existing soil characteristics and topography.

TIME OF PURCHASE OR LEASE - The time of signing any document obligating the person signing the document to purchase land or lease land as a lease. Rent has been designated to mean the same as lease.

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;

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 subdivision - Any subdivision containing 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; and

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	2 to 24	Less than 10 acres
Four	25 or more	10 acres or more
Five	2 to 24	10 acres or more

VACATE A PLAT - To remove a plat from record or delete lots within a plat.

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

VARIANCE - Permission to depart from the literal requirements of this ordinance granting authority to a subdivider, owner or developer to depart from the literal requirements set forth herein and permitting utilization of the property in a manner inconsistent with this ordinance, in cases in which strict enforcement of this ordinance would cause undue hardship.

VISION CLEARANCE - A triangular space at the street corner of a corner lot, which is bounded by the street right-of-way lines connecting points located 30 feet distant from the intersection, or projected intersection, of the street right-of-way lines, within which no obstruction to view between 3 feet and 10 feet above the street level shall be placed or maintained.

XERISCAPE - Water-efficient landscaping appropriate to the natural environment.

YARD - (REQUIRED) - That minimum area of land within a lot required by this ordinance within which no structure or portion thereof shall be erected from the ground up unless otherwise expressly permitted by this ordinance.

YARD, REAR (REQUIRED) - A yard bounded by the rear lot line and on the opposite side by a line drawn parallel to and located the minimum distance (i.e. required rear yard depth) from the rear lot line that is prescribed for the particular zoning district. In the case of an interior lot, the rear yard extends all the way across the lot. In the case of a corner lot with a rear lot line, the rear yard extends from the interior side lot line to the street yard. See Lot Line, Rear.

YARD, SIDE (REQUIRED) - A yard bounded by a side lot line on the opposite side by a line drawn parallel to and located the minimum distance (i.e. required side yard depth) from the side lot line that is prescribed for the particular zoning district. At the remaining sides, the side yard is bounded by street or rear yards.

YARD, STREET (REQUIRED) - A yard which is bounded by a street lot line and on the opposite side by a line drawn

parallel to and located the minimum distance (i.e. required street yard depth) from the street lot line that is prescribed for the particular zoning district. A street yard extends all the way across a lot. The street yard is the same as the front yard when it abuts the principal lot frontage.

YARD DEPTH (REQUIRED) - The minimum prescribed dimension of a required yard measured as a straight line distance, interiorly from and perpendicular to, the lot line.

ZERO-SCAPE - Landscaping that uses mostly rocks and doesn't require much watering.

ZONING - The division of land into mapped districts for the purpose of public regulation of the character and intensity of development and use of the land.

ZONING DISTRICT - An area designated for certain uses of land and the regulation thereof under any zoning ordinance of the County of San Miguel.

ZONING ORDINANCE - A composite of the text of written regulations governing land usage in general and within particular zoning districts and the official zoning map which indicated graphically the location and extent of zoning district boundaries. The use of this term or simply the term "ordinance" shall refer to the San Miguel County Land Development Standards.

ARTICLE 3. PREAPPLICATION PROCESS

Section 3.1. Preapplication Procedure

3.1.1. Conference. For the purpose of expediting applications and reducing subdivision design and development costs, previous to the filing of an application for approval of a plat, the subdivider shall confer with the director or designated individuals to become acquainted with these Regulations. At the preapplication conference, the subdivider shall be advised of the following:

- a. Completion of the subdivision checklist requirements including submittals required by these Regulations in the filing of an application for approval of a plat;

A copy of these regulations may be reviewed at the Planning and Zoning Office. A copy of the subdivision regulations may be purchased at the County Planning and Zoning Office for a fee set by the county reflecting publication or copying costs.

- b. A determination will be made as to the type of the proposed subdivision and if proposed subdivision qualifies for approval under the summary review procedure provided in ARTICLE 6 of these Regulations.
- c. A determination will be made as to individuals and agencies that shall review the required submittals;
- d. Whether a Master Development Plan is required as described in ARTICLE 7 SPECIAL PROCEDURES
- e. Fee. No fee shall be required for a preapplication conference. Future subdivision application administrative fees will be reviewed during preapplication process.
- f. Statements non binding. Neither the subdivider nor the County shall be bound by any statements or determinations made during the preapplication conference.
- g. Application/forms. At the request of the

subdivider, the County Planning and 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. After the preapplication conference, the subdivider or his authorized agent, shall complete an application form. Applicant must submit a letter of intent to disclose what it is he or she plans on developing.

Section 3.2. Preapplication Conference Data Requirements

- 3.2.1. Sketch plan. A sketch plan shall be prepared by the subdivider which shows the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described including legal description 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; and
 - e. Accessibility of site to roads and utilities.

ARTICLE 4. PRELIMINARY PLAT REVIEW PROCESS

Section 4.1. Preliminary Plat Submittal

- 4.1.1. Preliminary plat required. Preliminary plats shall be submitted for Type One, Type Two, Type Three, and Type Four subdivisions. Certain Type Three and all Type Five subdivisions are subject to review under the summary procedure set forth in ARTICLE 6 of these Regulations.
- 4.1.2. Application/fees. A subdivider shall prepare a preliminary plat and supporting documentation in accordance with the requirements provided in these Regulations. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the County Planning and Zoning Director or designated staff, and upon payment of the required administrative fees. A cashier's check, made payable to San Miguel County in the amount required in the schedule of fees for preliminary plat review, must accompany the application for approval.
- 4.1.3. Plat deemed complete. On receipt of the application, fees, preliminary plat, and supporting documentation, the County Planning and Zoning Director, or designated individuals will review the application submittals within fifteen (15) working days 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) days after the date of application or receipt of complete information.

If the preliminary plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be notified and be given a maximum time period of sixty (60) days to correct the deficiencies and return the preliminary plat for consideration. If this time-frame is not met, the application process and fees must be re-submitted.

Once the application is deemed complete, the application will be transmitted to the appropriate agencies for their review and comments as to compliance with the New Mexico Subdivision Act and these regulations.

Section 4.2. Agency Review

4.2.1. Plat transmittals. Within ten (10) days after the date that the preliminary plat is deemed complete, the County Planning and Zoning Director or designated staff 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 opinions¹:

- a. New Mexico State Engineer Office;
- b. New Mexico Environment Department;
- c. New Mexico Highway and Transportation Department;
- d. Historic Preservation Division, Office of Cultural Affairs;
- e. Land Grant Board of Trustees when proposed subdivision site property is within or adjacent to land grant territory;
- f. Municipality if proposed subdivision site is within an Extraterritorial Zone;
- g. Soil and Water Conservation District in which the proposed subdivision is located;
- h. New Mexico Game and Fish Department and the National Forest Service for environmental impact study; and
- I. Any other public agencies the County considers necessary to determine whether there are adequate facilities to accommodate the

¹ Including but not limited to fire district, school district, special purpose district or authority, Office of Cultural Affairs, solid waste authorities, water districts and acequia associations, irrigation districts, conservancy districts.

proposed subdivision.

4.2.2. Agency response. The state and local agencies shall have thirty (30) days from their receipt of the preliminary plat to review and return an opinion regarding the preliminary plat. The County Planning and Zoning Director or designated staff 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) days following the receipt of such favorable opinion. If the County does not receive a requested opinion within the specified thirty (30) days, it shall proceed with the required public hearing.

During the thirty (30) day notification of public hearing period, the Director, or designated individuals will have a maximum of 10 days for review prior to submitting the application to the Planning and Zoning Commission. Copies of the opinions of the state agencies and recommendations by the County Planning and Zoning Director, or designated individuals shall be transmitted to the Planning and Zoning Commission with the application.

4.2.4. Adverse opinion. If any opinion from a public agency is adverse, the County Planning and 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) days to respond to the concerns of the appropriate agency. The County Planning and Zoning Director shall forward such additional information upon receipt to the appropriate agency which shall have thirty (30) days after the date the subdivider submits the additional information in order to revise its opinion. The County Planning and 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 Planning and

Zoning Director shall schedule a public hearing for consideration and action within thirty (30) days after the receipt of a revised opinion from the appropriate agency. If the County does not receive a revised opinion within the specified thirty (30) days after the date the subdivider submits the additional information, it shall proceed with the required public hearing after proper notification.

- 4.2.6. On-site Review. Physical inspection of proposed subdivision site by at least one Planning and Zoning Commission member is required.

Section 4.3. Public Hearings on Preliminary Plats

- 4.3.1. Scheduling. The County Planning and Zoning Commission shall conduct a public hearing within thirty days from the receipt of all requested opinions, either favorable or revised. Notice of the public hearing shall be given at least twenty-one (21) days before the hearing date.

- 4.3.2. Notice. The notice of public hearing shall be published twice in a newspaper of general circulation in the County and shall contain the following information:

- a. subject of the hearing to include the location, and legal description of the proposed subdivision and other agenda items;
- b. time, date 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.

- 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;
- d. owners of property contiguous to land proposed to be subdivided via certified return receipt mail; and
- e. by posting a notice of public hearing on public right-of-way leading to, or adjoining the proposed subdivision site.

4.3.4. Participation/record. At the public hearing, the County Planning and Zoning Commission 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 hearing shall be tape recorded. The opinions of the public agencies shall be made a part of the record.

4.3.5. Action. Within thirty (30) days after the Planning and Zoning Commission hearing, the Board of County Commissioners will review, at a public hearing, the preliminary plat application, the agencies' comments and the recommendations and findings of facts by the Planning and Zoning Commission and will 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 Planning and Zoning Commission hearing. The County Planning and Zoning Director shall notify the applicant in writing of the action taken, the reasons for the action, and advise the applicant specifically of any additional submittals required and relate its finding to the Board of County Commissioners.

Preliminary plat approval shall not be given by the Commission unless the Commission determines that the subdivider can fulfill the proposals contained in his Disclosure Statements and that the subdivider's proposal conforms with the New Mexico Subdivision Act and with these regulations.

The Commission may table a request for plat approval only if the preliminary plat application is

incomplete or if the Board of County Commissioners has insufficient information upon which to act, in which event the Commission shall notify the applicant in writing of the action taken and the specific information which the Board of County Commission requires before taking further action.

- 4.3.6. Approval. 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. Effective Period of Preliminary Approval: The approval of a preliminary plat shall be effective for a period of two (2) years at the end of which time application for final plat approval must have been submitted. Otherwise, approval or conditional approval of the preliminary plat shall become null and void.

- 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. The developer shall be required to resubmit a new plat for preliminary approval subject to all regulations.

The application process and fees must be re-submitted.

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 without adversely impacting existing water systems, 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 an acceptable means of liquid waste disposal for the subdivision;
- d. there is an acceptable means of solid waste disposal for the subdivision;
- e. there are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel;
- f. terrain management protects against flooding, inadequate drainage and erosion;
- g. fire protection;
- h. there are protections for cultural properties, archaeological sites and unmarked burials that may be directly affected by the subdivision, as required by the Cultural Properties Act;
- I. that the subdivider can fulfill the proposals contained in the disclosure statement for the subdivision;
- j. the subdivision will conform with the New Mexico Subdivision Act and these Regulations;
and

- k. intended method of assurance of Improvement Guarantees as per Article 8 Section 3.

- 4.5.2. Minimum documentation. Supporting documentation, as 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; and
 - g. environmental impact statement.

- 4.5.3. Filing 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, and printed on sheets no larger than twenty-four by thirty-six (24 x 36) inches. Sheets shall be numbered in sequence if more than one sheet is used.

- 4.5.4. Map specifications. The preliminary plat map shall show the following:
- a. title, scale, north arrow, and date;
 - b. existing topography and any regrading plans, indicating contour intervals sufficient for planning purposes;
 - c. existing and proposed boundary lines, in bearings and distances, for the subdivision;
 - d. proposed lot lines, with lot and block numbers, and approximate acreage of each lot;
 - e. the location, dimensions, and purpose of existing and proposed easements; drainage areas, irrigation ditches and laterals, and other significant features within or adjacent

to the property;

- f. names and right-of-way widths of existing and proposed streets on and adjacent to 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;
- 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, addresses, and telephone numbers of the owner or owners of land to be subdivided, the subdivider if other than the owner, and the land surveyor;
- m. legal description indicating the range, township, section, and total acreage within which the subdivision is located.
- n. name, address, and telephone number of owner and verification of ownership of the property and current title information by either a preliminary title report or an attorney memorandum based upon an abstract of title, current as of the date of the submittal;
- o. geological stability information upon request of the Planning and Zoning Director if the manager determines or the subdivider has any reason to believe that building or other problems may arise from construction in the area proposed for development;
- p. zoning on and adjacent to the property;
- q. proposed use of each lot;

- r. proposed ownership and use of outlots;
- s. location and size of existing utilities within or adjacent to the property including without limitation, water, sewer, storm sewers and drainage facilities, fire hydrants within three hundred fifty feet of the property, electricity, and gas, which shall be placed on separate engineering drawings;
- t. a master utility plan showing proposed plans for private and public utility systems including water, sewer, electric, gas, drainage, telephone, telecommunications, and any other services that will supply the property;
- u. names of property owners adjacent to the proposed subdivision for platted and unplatted land; and
- v. a vicinity map showing at least all sides of the proposed subdivision which may be of a different scale than the plat.

4.5.5. Phased subdivisions. If the proposed subdivision plat is the first of an integral part of an overall large scale development, then the proposed plat cannot be considered unless accompanied by a Master Development Plan which shall include an anticipated phasing schedule for the final plats and a schedule of improvements. The Master Development Plan shall contain the following information.

- a. A color coded Development Plan Map drawn to appropriate contour intervals and with legend interpreting the map. Major traffic circulation streets as well as residential commercial, recreational, educational, industrial and other functional areas shall be indicated.
- b. Estimated Total Acreage to be Developed.
 - 1. Estimated number of plats (stages) anticipated.
 - 2. Estimated timing and staging of plats to be developed.

3. Estimated acreage for the following uses:
 - a. Residential
 - I. Single Family Dwelling
 - II. Multiple Family Dwellings
 - b. Commercial
 - c. Industrial
 - d. Parks, Open Space and Wilderness Area
 - e. Community Facilities
- c. Estimated number of Residential Lots.
 1. under one acre;
 2. one acre to two acres;
 3. over two acres
- d. Development Plan Policies relative to:
 1. Parks, open space, and wilderness areas.
 - a. Dedicated park areas for neighborhood community recreation.
 - b. Bridle paths hiking and cycling trails.
 - c. Natural or wilderness areas.
 2. Community Facilities (number, location, who will develop and when, who will maintain and when). Criteria used in determining size and location. Certification by authorized representatives of local utilities and other service providers shall be obtained.
 - a. Parks and recreation facilities
 - b. Schools
 - c. Fire and Police

- d. Gas and power, telephone
 - e. Medical facilities, related services
 - f. Water supply plan as outlined in these regulations APPENDIX E.
 - g. Liquid waste system as outlined in these regulations.
 - h. Solid waste system as outlined in these regulations.
- 3. Residential - Architectural design and quality homes to be constructed.
 - 4. Transportation Plan
 - 5. Commercial areas - number, location, type restrictions development and maintenance schedule, criteria used in determining size.
- e. Copy of deed restrictions, protective covenants.

4.5.6. Disclosure statement. The preliminary plat shall be accompanied by a draft disclosure statement in accordance with the format provided in Appendix G-1 and G-2 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.

SEE APPENDIX G-1 and G-2.

ARTICLE 5. FINAL PLAT REVIEW PROCESS

Section 5.1. Final Plat Submittal

5.1.1. Conformity. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that part of the approved or conditionally approved preliminary plat which the developer proposes to record and develop at the time, provided however, that such plat conforms to all requirements of these regulations, and provided further, that the Board of County Commissioners may require the subdivider to include or exclude whatever part of the preliminary plat the final platting of which at the time it deems necessary for orderly development consistent with the purpose of these regulations and the County Comprehensive Plan. The final plat shall comply with the New Mexico Subdivision Act and these regulations.

5.1.2. 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 Planning and 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) 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 a maximum time period of thirty (30) days to correct the deficiencies and return the final plat for consideration.

Section 5.2. Decision on Final Plat

5.2.1. Action. Final plats submitted to the County for approval shall be approved or disapproved by the Board of County Commissioners at a public meeting within forty-five (45) days after the date the final plat is deemed complete.

5.2.2. Denial. The Board of County Commissioners shall not deny a final plat if it has previously

approved a preliminary plat for the proposed subdivision and it finds that the final plat is in substantial compliance with the previously approved preliminary plat. Denial of a final plat shall be accompanied by a finding identifying the requirements that have not been met.

5.2.3. Improvement agreement. If, at the time of approval of the final plat, any 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 enter into an agreement with the County, on mutually agreeable terms, to thereafter complete the improvements at the subdivider's expense. See APPENDIX F

5.2.4. Failure to act. If the Board of County Commissioners does not act upon a final plat within the required period of time, the subdivider shall give the Board of County Commissioners written notice of its failure to act. If the Board of County Commissioners fails to approve or reject the final plat within thirty (30) days after that notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the final plat has been approved.

Section 5.3. Final Plat Data Requirements

5.3.1. Filing specifications. The subdivider shall submit ten (10) 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, and printed on sheets no larger than twenty-eight by thirty-six (28x36) inches. Sheets shall be numbered in sequence if more than one sheet is used.

5.3.2. Map specifications. The final plat map shall include the same information as shown on the preliminary plat, except for any changes or additions recommended by the Planning and Zoning Commission and required by the Board of County Commissioners. In addition the final plat shall indicate the following:

- a. name of subdivision, scale, north arrow, and date;
- b. The certification and seal of a registered land surveyor, who shall be licensed in accordance with the laws of the State of New Mexico, certifying to accuracy of the survey and plat, the date of the survey, and that the same have been prepared by him, and that he has shown all easements of record.
- c. All survey monuments and benchmarks together with their descriptions, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
- d. The tract boundary lines, easement and right-of-way lines, and property lines of residential lots and other sites in the area being subdivided with accurate distances in feet and hundredths and bearing in degrees, minutes and seconds with the basis for bearings noted or shown and a tie to the Federal Section Land System, or established triangulation points.
- e. Total acreage of the subdivision with legal description indicating the range, township, and section within which the subdivision is located.
- f. The name, right-of-way width and center line of all proposed streets and alleys and the center lines of the street right-of-way with dimensions between intersection center lines or the subdivisions's boundary lines.
- g. The property line of adjoining lands and the name, right-of-way width and center lines of adjacent streets and alleys.
- h. Number of each parcel in progression, with all dimensions, both linear and angular, necessary for locating boundaries of subdivisions, lots, streets, alleys, easements, building lines and any other areas for public or private use or for the use of the owners of parcels fronting on or contiguous to the land. The linear dimensions are to be expressed in

feet and decimals of a foot.

- I. Reference to recorded subdivision plats of adjoining platted land by recorded name, date, book and page number in the Office of the County Clerk.
- j. Certification of title with a statement that the subdivision is with the free consent and in accordance with the desire of the undersigned owner of land, acknowledged in a manner required for acknowledgment of deeds.
- k. The names of the owner or owners of the subdivision, and the developer if other than the owner.
- l. Signed statements by the subdivider dedicating public right-of-way, and sites for public use, and granting the shown easements for public use with location, dimensions, and purpose of all easements and dedicated public sites;
- m. Accurate description of legal access to, roads to, and utility easements for each parcel, and if the access or easement is based upon an agreement, the recording data in the land records for the agreement.
- n. Delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency.
- o. An update to the preliminary title report or attorney memorandum based upon an abstract of title current as of the date of submitting the plat.

5.3.3 Other Data Requirements.

- a. Certification by authorized representatives of the local electric, gas and telephone utilities that their systems needs have been met. However, the Board of County Commissioners may waive this certification if, after a hearing, the Board of County Commissioners finds that the utility's desires are unreasonable or not in the public interest.

- b. Certification of approval by the Planning and Zoning Commission.
- c. Certification by the Board of County Commissioners of plat approval and conditional acceptance of the dedication of rights-of-way, easements and sites for public use. After the plat is properly recorded, dedicated land is public property, and the fee vests in the county if the dedicated land lies within the boundaries of the county.
- d. All signatures shall be written with permanent ink.
- e. A certificate by the Director or other designated individuals certifying that the subdivider has complied with one of the following:
 - 1. That all improvements have been installed in accordance with the requirement of these regulations and in accordance with the subdivision agreement.
 - 2. A surety bond or other security acceptable to the Board of County Commissioners has been filed with County Clerk in sufficient amount to assure completion of all required improvements. The surety bond shall be based on engineering cost estimates.
 - 3. Other Data: Such other certificates, affidavits, endorsements, or data as may be required by the New Mexico Subdivision Act or as may be specified elsewhere herein.

5.3.4. Final Approval Requirements. No final plat may be approved unless the subdivider has submitted and the commission has approved one or a combination of the following:

- a. A schedule of compliances;
- b. A subdivision improvements agreement accompanied by an adequate bond or other collateral guaranteeing the implementation of

required:

1. Water supply provisions;
 2. Water quality provisions;
 3. Liquid waste provisions;
 4. Solid waste provisions;
 5. Terrain management provisions;
 6. Highway access provisions;
 7. Fire Protection;
 8. Provisions for roads;
 9. Historical Preservation provisions; and
 10. any other provisions determined by the Board of County Commissioners.
- c. Covenants running with the land in all deeds prepared by the subdivider or lease provisions binding the subdivider or owners where appropriate to meet any county regulations or satisfy any requirement of the commission; or
- d. Plat restrictions setting forth the commission requirements for the particular subdivision.

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

5.3.6. Dedication. A subdivider may dedicate land or

facilities to homeowners association. However, the Board of County Commissioners may not accept any roads for maintenance until the land for right of way has been dedicated to public use and all other requirements have been fulfilled. Any homeowner's association articles, by-laws and restrictive covenants shall be filed along with the approved plat at the Office of the County Clerk. 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. On full conformity with County road construction standards, the roads may, or may not 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.

- 5.3.7. Disclosure statement. For all subdivisions, a disclosure statement shall be prepared in accordance with the format provided in APPENDIX G 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.

A disclosure statement shall be submitted for all subdivisions except Type 3 Mobile Home Park Subdivisions having 24 or fewer leased spaces. It shall include all information as required in APPENDIX G of these Regulations. Subdivisions having less than 100 parcels shall include information for Questions No. 1 through No. 32 and subdivisions with 100 or more parcels shall include information for Questions No. 1 through No. 41.

- 5.3.8. Conformity. The Board of County Commissioners shall not approve the plat of any subdivision if the subdivider cannot reasonably demonstrate that he can fulfill the proposals contained in his

disclosure statement or if the subdivider has not conformed with the New Mexico Subdivision Act and the County's subdivision ordinance.

5.3.9. Land Sales Act. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act may submit the approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not covered in the subdivider's statement of record shall be attached to the statement of record.

5.3.10. Environment Department approval. For any subdivision requiring construction of a public water supply system or a community liquid waste system, documentation of approval from the New Mexico Environment Department shall be required for final plat approval.

5.3.11. Water permit. For all subdivisions containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, the subdivider shall provide a copy of the water right permit issued by the State Engineer for subdivision water use. The Board of County Commissioners shall not approve the final plat unless the State Engineer has issued a water permit for the subdivision water use.

5.3.12. Recording. The final plat is in full force and effect only after having been recorded in the office of the County Clerk within one (1) year after the date of approval by the Board of County Commissioners. Such approval shall be recorded on the face of the original drawing of the final plat and on two copies thereof and such approval shall be dated and verified thereon by the signatures of the Chairman of the Board of County Commissioners, the Planning and Zoning Director, the County Engineer (if one is available on a permanent or consultant basis), the Chairman and Secretary of the Planning commission and the appropriate utility companies in the space provided for such and such date and signatures shall be affixed by the use of black India ink; if the final plat is denied by the Board of County Commissioners, the reasons for the denial shall be referenced and

attached to two (2) copies of the final plat and such action shall be dated and verified by the signature of the Chairman of the Board of County Commissioners and affixed to said copies. In either event, one of the said signed copies shall be returned to the subdivider and the other shall become a part of the files of the County Clerk's Office; and, if such plat is approved, the original drawing of the same shall be used in part for recordation purposes and thereafter retained in the files of the County Clerk or if the final plat is denied, the original drawing shall be returned to the subdivider. None of the requirements of this paragraph shall be modified or waived.

Section 5.4. Advertising Standards

- 5.4.1. Filing requirements. Copies of all brochures, publications, and advertising relating to subdivided land shall be filed with the Board of County Commissioners and the Attorney General within fifteen (15) days after initial use by the subdivider.
- 5.4.2. Requirements/restrictions. Brochures disclosure statements, publications, and advertising of any form relating to subdivided land shall:
- a. not misrepresent or contain false or misleading statements of fact;
 - b. not describe deeds, title insurance, or other items included in a transaction as "free" and shall not state that any parcel is "free" or given as an "award" or "prize" if any consideration is required for any reason;
 - c. not describe parcels available for "closing costs only" or similar terms unless all such costs are accurately and completely itemized; or when additional parcels must be purchased at a higher price;
 - d. not include an asterisk or other reference symbol as a means of contradicting or substantially changing any statement;
 - e. accurately portray, if subdivision

illustrations are used, the subdivision in its present state; and, if illustrations are used portraying points of interest outside the subdivision, state the actual road miles from the subdivision;

- f. not contain artists' conceptions of the subdivision or any facilities within it unless clearly labeled as such, and shall not contain maps unless accurately drawn to scale with the scale indicated;
- g. not contain references to any facilities, points of interest or municipalities located outside the subdivision unless the distances from the subdivision are stated in the advertisement in actual road miles; and
- h. refer to the location where the subdivider's disclosure statement may be obtained.

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

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

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

Section 5.6. Recording Parcels

- 5.6.1. Authority. §47-6-9(A)(17) NMSA 1978 requires counties to enact regulations for recording all conveyances of parcels with the County Clerk. As defined in the Act, the term "parcel" means "land capable of being described by location and boundaries and not dedicated for public or common use."
- 5.6.2. Purpose. Recording conveyances of parcels provides anyone interested in acquiring land, and lenders, with important information about the condition of title. Recording conveyances of all parcels also provides public officials with information needed to detect illegal subdividing. The purpose of this information is to protect buyers and lenders and to help enforce the Act and these Regulations by making all conveyances of parcels matters of public record.
- 5.6.3. 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) days after the closing or thirty (30) 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.
- 5.6.4. 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.
- 5.6.5. Plat attachment. The deed, lease, real estate contract, or other document of conveyance shall have a survey plat and a legal description of the parcel attached to it. The survey plat shall show the surveyor's seal, the boundaries of the parcel, the means of access to the parcel, and any

easements to which the parcel is subject.

Section 5.7. Water Permits

5.7.1. 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.

5.7.2. Copies. A copy of the state engineer's permit shall be submitted with the subdivision proposal.

Section 5.8. Road Development

5.8.1. 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.

5.8.2. All proposed roads must conform to minimum county safety standards.

5.8.3. The board of county commissioners shall not approve the grading or construction of roads unless and until the subdivider can reasonably 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 months from the date of construction of the road.

5.8.4 It is unlawful for a subdivider to grade or otherwise commence construction of roads unless such construction conforms to the schedule of road development approved by the board of county commissioners.

5.8.5 Typical road section shall be included in the final plat.

ARTICLE 6. SUMMARY REVIEW PROCESS

Section 6.1. Summary Review Procedure

6.1.1. Qualifications. The following types of subdivisions shall be submitted to the County for approval under summary review procedure:

- a. Type Three subdivisions containing five (5) or fewer parcels of land, 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; and
- b. all Type Five subdivisions.

6.1.2. Conference required. A pre-application conference is required before application for summary review and approval. The pre-application process is described in Article 3 of these Regulations.

6.1.3. Application/fees. A subdivider shall prepare a summary review 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 review plat submittal is initiated by completing an application on a prescribed form obtainable from the County Planning and Zoning Director, and upon payment of the required administrative fees.

6.1.4. Plat deemed complete. On receipt of the application, fees, summary review plat, and supporting documentation, the County Planning and 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 summary review plat will be deemed complete for review by written notice to the subdivider within thirty (30) days after the date of application. If the summary review plat is incomplete or does not comply with the submittal requirements, the subdivider shall be notified and given a maximum time period of thirty (30) days to correct the deficiencies and return the summary

review plat for consideration.

6.1.5. Agency Review. The Board of County Commissioners may require these types of subdivisions to obtain an agency opinion as listed in ARTICLE 4, Section 2.

6.1.6. Public meeting. Summary review plats submitted to the County for approval shall be approved or disapproved by the Board of County Commissioners at a public meeting within forty-five (45) days of the date the summary review plat is deemed complete.

Public hearing and notice and notification shall be conducted in the same manner as those listed in ARTICLE 4, Section 3 of these regulations.

Prior to approving the plat for a Summary Review Qualifying Subdivision the Board of County Commissioners shall determine whether or not the subdivision conforms to the New Mexico Subdivision Act and these regulations. Subdividers are required to submit six copies of all documents and plans. The Board of County Commissioners may not approve the plat of any subdivision that does not conform to the New Mexico Subdivision Act and these regulations.

6.1.7. Action. When all required submittals have been received by the County Planning and Zoning Director or designated individual, the application will be reviewed within fifteen (15) working days, and the applicant will either be advised of incompleteness or the application will be transmitted to the Commission with recommendations. The Commission will review the application with respect to the New Mexico Subdivision Act, these Subdivision Regulations, and whether or not one or more of the involved agencies should be consulted. The Commission will transmit a report of its findings to the Director or designated individual. If it is found that an agency should be requested to review the submittals and/or supplementary materials, the Director designated individual will inform the applicant and transmit the required material to the agency or agencies for their review and comments.

6.1.8. Approval. After the last opinion requested is received, the Director or designated individual will have a minimum of twenty-one (21) days for review prior to submitting the application and copies of the opinions of the agencies to the Board of County Commissioners. The Board of County Commissioners will again review the application and approve, approve with conditions or disapprove the request.

6.1.10. Improvement agreement. If, at the time of approval of the summary review plat, any public improvements have not been completed by the subdivider as required by these Regulations, the Board of County Commissioners or County Planning and Zoning Director shall, as a condition preceding approval of the summary review plat require the subdivider to enter into an agreement with the County, on mutually agreeable terms, to thereafter complete the improvements at the subdivider's expense.

6.1.11. Failure to act. If the County Planning and Zoning Director does not act upon a summary review plat within the required period of time, the subdivider shall give the Board of County Commissioners written notice of the County's failure to act. If the Board of County Commissioners fails to approve or reject the summary review plat within thirty (30) days after such notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the summary review plat has been approved.

Section 6.2. Summary Review Data Requirements

6.2.1. Filing Specifications. The original drawing of the summary review plat shall be submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Summary review plat maps shall be drawn at a scale of two hundred (200) feet to one (1) inch or larger and printed on sheets no larger than twenty-four by thirty-six (24 x 36) inches. The subdivider shall also submit seventeen (17) copies (plus one additional copy for each agency reviewing the application if required by the Commission) of all documents and plans.

6.2.2. Map specifications. The summary review plat map shall include the following information:

- a. title, scale, north arrow, and date;
- b. name and mailing address of subdivider and designated agent, if any;
- c. names of owners of land to be subdivided and of contiguous property;
- d. subdivision boundary lines, easement and right-of-way lines, and property lines of all lots, with accurate dimensions, and ties to monuments;
- e. acreage measurements and identification numbers for each lot;
- f. location, dimensions, and purpose of all easements;
- g. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
- h. the certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey;
- i. legal description indicating the range, township, and section within which the subdivision is located;

6.2.3. Affidavit. The summary review plat shall contain a statement that the land being subdivided will be subdivided in accordance with the summary review plat. The summary review plat shall be acknowledged by the owner and subdivider, or authorized agents, in the manner required for the acknowledgment of deeds. Every summary review plat submitted to the County Clerk as a final plat shall be accompanied by an affidavit of the owner and subdivider, or authorized agents, stating whether the proposed subdivision lies within the subdivision jurisdiction of the County. A copy of the summary review plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale,

lease or other conveyance.

- 6.2.4. Dedication. The summary review 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. Upon full conformity with County road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a summary review plat shall not be effective until the summary review 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.
- 6.2.5. Disclosure statement. For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix G 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.
- 6.2.6. Land Sales Act. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act may submit the approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not covered in the subdivider's statement of record shall be attached to the statement of record.
- 6.2.7. Advertising standards. The advertising standards covering the sale, lease, or other conveyance of subdivided land provided in Article 5/Section 4 of these Regulations shall be applicable to summary review plats.

ARTICLE 7. SPECIAL PROCEDURES

Section 7.1. Succeeding Subdivisions and Master Development Plan

If the proposed plat is the first or an integral part of an overall large scale development, then the Director shall inform the subdivider that the proposed plat cannot be considered until a Master Development Plan is submitted for Board of County Commissioners approval. The Master Development Plan shall comply with provisions as specified in Article 4 Section 5.5.

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:

1. A part of a previous subdivision that has been created in the preceding seven (7) year period; or
2. Any land retained by a subdivider after creating a previous subdivision if the previous subdivision was created in the preceding seven (7) year period.

For all subdivisions the Board of County Commissioners may grant approval of an initial development phase and defer approval of subsequent phases; and further, the Commissioners may set criteria for development of the first phase as a condition for approval of subsequent phases.

Section 7.2. Resubdivision

All or a portion of any final plat filed in the office of the County Clerk may be resubdivided by the same procedures prescribed in these Regulations for the subdivision of land.

Resubdivision shall include any change to a lot line, right-of-way line, or utility easement, unless the change is the result of a vacation of plats or a variance granted by action of the Board of County Commissioners.

Any alteration of boundaries within an approved subdivision which increases the number of lots and/or reduces lot size shall be subject to scrutiny pursuant to the New Mexico Subdivision Act and the San Miguel County Subdivision Regulations. The Planning Commission may require the subdivider to submit documentation deemed

necessary to ensure the public health, safety, and welfare. This procedure is necessary where the character of an approved subdivision has been changed so as to negate the information in the original disclosure statement or where the character has changed in a subdivision where no disclosure statement was originally filed so that a determination can be made as to whether a disclosure statement or an amendment to the original disclosure statement will be required.

Section 7.3. Vacation of Plats

7.3.1. 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.

7.3.2. 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 Clerk, along with the names of all owners of record of property within the subdivided land to be vacated and the names of all owners of record of property contiguous to the subdivided land to be vacated.

7.3.3. Scheduling and notification. Within sixty (60) 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) 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.

c. Relevant utilities and other agencies have been notified.

7.3.4. 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.

7.3.5. 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 final plat with the words "Vacated" or "Partially Vacated" and refer on the final plat to the volume and page on which the statement of vacation is recorded.

7.3.6. 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.

Section 7.4. Variances

7.4.1. Showing of Hardships. Where the developer determines that the subdivision presents practical hardships in execution, typically because of unforeseen or overlooked topographical concerns or economic market changes, the developer may apply a variance from these Regulations.

7.4.2. Planned development area. The County Planning and Zoning Commission 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 Planning and

Zoning Commission 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.

7.4.3. 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 Planning and Zoning Commission may require such conditions as will:

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

7.4.4. 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 review on a form provided by the Planning and Zoning Director for that purpose, and upon payment of the required administrative fee.
- b. Variance requests shall be reviewed by the County Planning and Zoning Commission in public hearings.
- 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 agencies having expertise with respect to the subject matter for which the variance is sought, and shall be

governed by the same time limits as those listed in Article 4, Section 4.2., Agency Review

- e. Planning and zoning staff members shall do an on-site examination. Within a 30 day period the Planning and Zoning Commission shall hold a public hearing on the granting of any variance. If the Planning and Zoning Commission is opposed to granting the variance, then a hearing shall be held upon the subdivider's request with the Board of County Commissioners and the burden of proof shall be upon the subdivider in the hearing. In any case, all variances must also be approved by the Board of County Commissioners.
- f. The Planning and Zoning Commission may delay the public hearing until the variance request is forwarded for review by the state agency, if any, possessing the expertise relating to the subject matter of the requested variance, if the Planning and Zoning Commission determines that such state agency review is necessary. The reviewing state agency shall have thirty (30) days from the date it receives notice of the variance request to review the variance and make its recommendations to the Planning and Zoning Commission. If the Commission has not received the state agency's recommendations within thirty (30) days of its submission to the agency, the Commission shall proceed in accordance with its own best judgement concerning the subject matter of the variance requested.
- g. The County Planning and Zoning Commission shall make written findings of fact regarding each of the requirements of these Regulations and shall produce those findings of facts as a portion of its recommendation on each request for variance.
- h. The recommendation shall be prepared, and sent to the Board of County Commissioners for their public hearing. The decision and order shall be prepared, signed and filed within five (5) working days after the public hearing at which the variance is considered.

- I. Variances may be granted for time periods and under conditions consistent with reasons for granting the variance.

Section 7.5. 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.

Section 7.6. Exemptions

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

7.6.2. Verification of Exemption.

- a. Any person claiming entitlement to an exemption under the provisions of these Regulations shall file a written claim of exemption on the prescribed form. Exemption request will be made to the County Planning and Zoning Director before making the land division for which the claim of exemption is made.
- b. The County Planning and Zoning Commission 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) after receipt of the completed claim of exemption; provided, however, that the thirty (30) day period shall not begin to run until the person claiming the exemption has delivered a completed Claim of Exemption and all supporting documents to the County Planning and Zoning Director.

- c. If the claim of exemption is approved, or if the County Planning and Zoning Commission 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 APPENDIX H of these Regulations or may submit an application for a subdivision as provided in these Regulations.

Section 7.7. Protection of Cultural Properties, Archaeological Sites, and Unmarked Burials

7.7.1. 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.

- 7.7.2. Registered Cultural Properties. Any person desiring to subdivide land in the County shall comply with the Cultural Properties Act §§ 18-6-1 through 18-6-17 NMSA 1978. (Reference to APPENDIX A)

Section 7.8. Mobile Home Park Subdivision.

The division of land into two (2) or more trailer spaces

for lease or rent is a subdivision. Since "subdivision" is defined as the division of land for the purpose of lease, the definition includes mobile home park subdivisions where a defined space is rented or leased and boundaries or areas are clearly delineated.

7.8.1. Mobile Home Parks with 24 or fewer leased spaces

Any mobile home park subdivision which is a Type 3 Subdivision having 24 or fewer leased spaces shall comply with the following requirements in lieu of the other requirements within these regulations:

- a. The subdivider shall meet the following site plan requirements and include the location of mobile homes, setbacks, easements, entrances, perimeter lot lines and width of roads. Seventeen (17) copies of the plan and supporting documents shall be submitted. At least one copy of the site plan shall be reduced to legal size (8 ½" x 14") to permit filing in the general index of the County Clerk's Office. The reduced copy shall have the appropriate approval signatures.
- b. The subdivider shall meet the specific use limitations in Section 5390 and all applicable general use limitations of the San Miguel County Land Development Standards Ordinance 86-2 including approval by the New Mexico Environmental Division (ED) for the liquid waste, solid waste and water quality proposals for the subdivision. The site plan shall include location of wells, water lines, liquid waste treatment units and disposal sites (leach fields and seepage pits), and distance of wells to liquid waste treatment units and disposal sites and any other appropriate information as required by these and other pertinent regulations.
- c. Mobile home park subdivisions must either provide for solid waste collection to be disposed at a registered landfill or transport by park residents to a registered landfill or any other system acceptable to ED.
- d. No mobile home park subdivisions shall be allowed within a special flood hazard area as determined by HUD or FEMA flood maps.

- e. Roads within the mobile home park subdivision shall have a minimum surface width of 20 feet and shall have minimum surface of four inches of gravel, pit run aggregate, base course or asphalt. The roads and drainage within the park shall be inspected and approved by the County Road Superintendent. No park space shall be leased until the roads, drainage system, water, liquid waste and all other requirements are satisfactorily completed.
- f. The subdivider shall assure adequate water supply for domestic use and for fire protection purposes. The subdivider shall assure compliance with the fire protection criteria listed in APPENDIX E.
- g. The subdivider shall provide a schedule of compliance for all improvements and services to be provided.
- h. The schedule of fees for mobile home parks subdivisions shall be the same as provided in Article 9.
- i. Preliminary and final approval may be granted by the Planning and Zoning Commission with concurrence by the Board of County Commission if all requirements have been met.
- j. All permits needed from the New Mexico State Highway Department shall be obtained before final approval.

7.8.2. Site Plan Requirements A site plan showing the various existing and proposed types of land use, depicting their relationship to each other and to surrounding uses. This site plan should be a generalized site plan, locate proposed uses in an approximate fashion, anticipated buffers or screening, and general building locations and setback. Also, to be contained in the site plan are general indication of proposed streets, landscaping, drainage, sewer, water, irrigation, grading, and site development assets and constraints (site analysis) map or maps. Any item not deemed relevant to the proposed use may be waived by the Planning and

Zoning Director.

A written statement containing the following information is also required.

- a. The number of acres in each type of land use, including the floor area of industrial and commercial uses and the number of units for residential uses.
- b. The character and density of dwellings, structures, or uses on each portion of the property.
- c. A phasing schedule for development, including all improvements.
- d. A map showing the property requested for Planned Unit Development and the property within one-half mile radius.
- e. A legal description.

ARTICLE 8. REQUIRED IMPROVEMENTS

Section 8.1. Construction of Required Improvements

8.1.1. Improvement requirements. The subdivider shall install and construct such improvements, if any, as are required by these Regulations in the manner and to the design standards provided in these Regulations. Approval of the preliminary plat is authorization for the subdivider to proceed with the minimum improvements required by these Regulations. Before the construction of any improvements or the submission of any bond or other improvement guarantee, the subdivider shall furnish the County with all plans necessary for the construction of such improvements. These plans shall be reviewed by the County Planning and Zoning Director and, if in accordance with these Regulations, shall be approved by the County, allowing the subdivision development to proceed.

8.1.2. Improvement agreement. The County may enter into a subdivision improvement agreement with a subdivider. This agreement shall constitute a binding contract between the subdivider and the County and shall contain those terms and conditions agreed to by the subdivider and the County. (See APPENDIX F).

Section 8.2. Improvement Guarantees

8.2.1. 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. (See APPENDIX F).

8.2.2. 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

improvement. This guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the County.

Section 8.3. Required Improvements Identified

The Planning and Zoning Director will identify the required improvements for each subdivision based on the type and location of the proposed subdivision.

Improvements identified by the Planning and Zoning Director are found within the Appendix of these regulations.

ARTICLE 9. SCHEDULE OF FEES

Section 9.1. Administrative Fee

A subdivider submitting an application for plat approval shall pay review fees to defray costs involved in reviewing the data submitted.

Preliminary plat	\$200.00
Final plat	\$200.00 plus \$50.00 per lot
Summary review plat	\$120.00
Variance	\$100.00
Appeal	\$100.00
Claim of exemption	\$100.00
Statement of vacation	\$100.00
Subdivision regulation copies	\$ 25.00

These fees shall not be refundable.

ARTICLE 10. APPEALS

Section 10.1. Who May Appeal

10.1.1. Any person who is or may be adversely affected by a decision of the board of county commissioners in approving or disapproving a preliminary or final plat may appeal to the district court of the county in which the subdivision is located within thirty days of the date of the board's action.

10.1.2. An appeal is perfected by filing a notice of appeal in the district court. A copy of the notice of appeal shall be served upon the board of county commissioners.

10.1.3. Upon appeal, the district court shall set aside the action of the board of county commissioners only if it is found to be:

- (1) arbitrary, capricious or an abuse of discretion;
- (2) not supported by substantial evidence; or
- (3) otherwise not in accordance with law.

10.1.4. Any party to the action in district court may appeal to the court of appeals for further relief.

10.1.5. Any party who is or may be adversely affected by a decision of a delegate of the board of county commissioners in approving or disapproving a final plat under summary review shall appeal the delegate's decision to the board of county commissioners within thirty days of the date of the delegate's decision. The board of county commissioners shall hear the appeal and shall render a decision within thirty days of the date the board receives notice of the appeal. Thereafter, the procedure for appealing the decision of the board of county commissioners set out in Subsection 10.1.1., 10.1.2., and 10.1.3. of this section shall apply.

Section 10.2. Appeal Process

10.2.1. 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.

10.2.2. 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.

10.2.3. 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.

ARTICLE 11. ENFORCEMENT, PENALTIES, AND REMEDIES

Section 11. 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 11.2. 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 Attorney for investigation. The County Attorney 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 Attorney shall inform the complainant in writing of what actions have been taken or will be taken in response to the complaint.

Section 11.3. Penalties and Remedies.

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

11.3.1. 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.

11.3.2. 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.

11.3.3. 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.

11.3.4. 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.

11.3.5. 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 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 San Miguel 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 San Miguel County's Land Subdivision Regulations in Ordinance #86-2. These Regulations shall become effective on the _____ day of _____, 19_____.

ARTICLE 14. DEVELOPMENT AND DESIGN STANDARDS

The Development and Design Standards are a set of regulations defining parameters to be followed in the development and design of subdivision development. These regulations are intended to serve as a means of obtaining a particular character of design.

Section 14.1. Minimum Lot Size

Lot size shall be governed by zoning regulations in force at the time of the proposed subdivision regulations.

Section 14.2. Adoption of Codes

The following codes are hereby adopted as codes to these regulations;

- Uniform Building Code;
- National Electrical Code;
- State of New Mexico Electrical Code;
- Uniform Mechanical Code;
- Uniform Plumbing Code;
- Uniform Swimming Pool Code; and
- Uniform Solar Energy Code.

Uniform Fire Code

Section 14.3. Appendix.

All subdivisions must comply with San Miguel County Development and Design Standards as listed in the following Appendix of these regulations.

Appendix A Protection of Cultural Properties,
Archaeological Sites and Unmarked Human
Burials

Appendix B Terrain Management

Appendix C Roads and Utilities

Appendix D Water Quality, Liquid and Solid Waste
Disposal

Appendix E San Miguel County Subdivision Regulations
Governing Water Supply Requirements

Attachment A of APPENDIX E
Water Quantification , Availability and
Conservation

Appendix F Agreement to Construct Subdivision
Improvements

Attachment A to APPENDIX F

Appendix G Disclosure Statement

G1 No More Than Four (4) Parcels

G2 Five (5) or More Parcels

Appendix H Claim of Exemptions

APPENDIX A. Protection of Cultural Properties,
Archaeological Sites and Unmarked Human
Burials

Purpose and Intent

In order to preserve and enhance the unique heritage of the County of San Miguel, special review districts are established for historic, cultural, or archaeological sites, landmarks, and unmarked human burials. Such sites and landmarks include, but are not limited to, structures which either are designated by the Official Register of Cultural Properties maintained by the New Mexico Cultural Properties Review Committee or are properties which may contain historic or pre-historic structures, ruins, sites or objects, desecration or destruction of which would result in an irreplaceable loss to the public of their scientific, educational, informational, or economic interest or value.

Preservation of historic or cultural sites, landmarks and materials shall be achieved by establishing a procedure for discovering, evaluating, reporting and treating such resources at the planning stage of development proposals. Subdividers are responsible for obtaining archaeological reports.

This section of the ordinance is adopted pursuant to the Zoning Act, Section 3-21-1, et. seq., N.M.S.A., 1978, and the Cultural Properties Act, Section 18-6-1, et. seq., N.M.S.A., 1978 - amended.

Definitions

archaeological features - nonportable cultural remains inferred to be the location of specific human activities.

archaeological sites - any geographical location where there exists material evidence of repeated or patterned human activities. A site has the potential, through the application of appropriate archaeological methods, techniques, and analyses, of yielding information important to understanding the prehistory, history, culture, or lifestyles of a particular region or group of inhabitants in New Mexico.

archival research - research in primary documents likely to yield information concerning the human occupation of the site in question, including but not limited to deed, census, cartographic, and judicial records.

artifact - portable material remains that exhibit evidence of human use or alteration.

culturally altered landscape - a landscape modified by human activity, including but not limited to roadways, agricultural fields, farming terraces, and irrigation ditches or other water control devices.

cultural properties - a structure, place, site, battlefield, cemetery, historic landscape or object having historic, archaeological, scientific, architectural or other cultural significance.

cultural remains - the remains of prior human occupation or activity over seventy-five years of age whether portable or non-portable, including but not limited to, historic and prehistoric artifacts, architectural features, human skeletal remains, animal skeletal remains found in an archaeological context, rock carvings, and culturally altered landscapes.

effect - any action that has the potential to disturb the physical integrity of cultural properties, archaeological sites or unmarked burials

ethnographic interviews - a procedure used to elicit information about current or past use of the subdivision project area by identifiable ethnic or native American groups known to have resided in the region. The interview usually involves asking a member or members of the group a structured set of questions about the subdivision area. Ethnographic interviews are usually conducted to obtain information about past use or other features of the affected area that may not be discovered through archival research or pedestrian surveys.

historic landscape - a landscape purposely designed or evolved through use or associated with traditional cultures. Landscape features may include, but are not limited to: plantings, walls, walks, roads, farmstead complexes, industrial complexes or religious/sacred sites.

historical or historic preservation - (for the purposes of this section) the preservation of ancient prehistoric sites, as well as buildings or neighborhoods built as recently as 75 years ago.

landmark - a structure or site of historic interest.

reconnaissance survey - a visual examination of land surfaces that are to be disturbed, and includes archival research of the property.

registered cultural property - any building, structure, site, archaeological site, district, object, or collection of objects determined to possess archaeological, architectural, historical, scientific, or other cultural values important to the State and entered in the New Mexico Register of Cultural Properties by the Cultural Properties Review Committee (NMSA 1978, §18-6-1 through 17). Registered cultural properties may also be entered in the National Register of Historic Places.

significant or significance - those sites that have yielded, or may be likely to yield, information important in the study of prehistory or history. These shall be those:

- (1) with cultural remains that are more than seventy-five (75) years old;
- (2) with cultural remains that are directly associated with events or developments that have made an important contribution to local history or prehistory;
- (3) with cultural remains that are directly associated with the lives of persons significant in local history;
- (4) areas where a substantial number of prehistoric cultural remains are present; or
- (5) areas having cultural remains known to rarely occur in the San Miguel County area.

Location of Historical, Cultural Sites and Landmark Sites

The following Historical or Cultural sites and Landmarks are established, as amended from time to time, at the following locations:

- a. Any parcel located in the County on which a structure is located which has been or is after the effective date of these Regulations, placed on the official register of cultural properties maintained by the New Mexico Cultural Properties Review Committee.
- b. Other areas of exceptional historical, archaeological or

cultural interest or value hereafter designated by the Board as Historical, Cultural or Archaeological Sites or Landmarks, State of New Mexico.

Review Procedures for Development in Areas Designated as Historical, Cultural or Archeological Sites

Report Required:

Applicants shall submit a report and drawings describing all proposed changes to structures, or development within a Historical, Cultural or Archaeological site.

Reconnaissance Survey's Applicability:

Applicants proposing developments within an archaeological site shall complete an archaeological reconnaissance survey and report prior to the approval of any final development plans or plats.

- a. Developments of a 5.0 acres or more within areas designated as having high archaeological potential.
- b. Development of 0.75 acres or more within areas identified in a traditional community as having high archaeological potential.
- c. Developments of 10.0 acres or more within areas designated as having moderate archaeological potential.
- d. Developments of 20.0 acres or more within areas designated as having low Archaeological potential. The need for a survey will be determined on a case by case basis by the location of the development in relation to other sites documented by the Archaeological Records Management System (ARMS) maintained by the New Mexico Historic Preservation Division.

Professional Qualifications/Report on Historic or Cultural Sites:

A report and drawings describing all proposed changes to structures or development within a Historical or Cultural Site or Landmark, shall be prepared by a professional archeologist, qualified to evaluate, design and report on such changes. The report shall include methods by which

the site affected by the development will be protected, preserved or salvaged.

Professional Qualifications of Archaeologist:

All archaeological reconnaissance surveys and reports required shall be conducted by a professional archaeologist who:

- a. Holds a degree in archaeology, anthropology, or a closely related field, with a specialization in archaeology, or equivalent training or field experience; and
- b. Has at least two (2) years experience in directing archaeology projects including at least one (1) year of field experience in the southwestern United States.

Archaeological Site/Standards and Criteria for Reconnaissance Surveys and Reports:

- a. The reconnaissance survey shall consist of:
 1. Archival research and analysis of land titles, historic maps, Archaeological Records Management Systems (ARMS) files of the State of New Mexico and other existing data;
 2. Visual examination of the property for evidence of Archaeological features, artifacts or culturally altered landscape at least seventy-five (75) years old;
 3. Linear transects shall be used; and
 4. A sample of surface artifacts shall be recovered.
- b. A report shall be submitted to the Planning and Zoning Director containing the following:
 1. Evidence that the person(s) conducting the reconnaissance survey or drafting the report meets the qualifications set forth above;
 2. A description of the project site and proposed land altering development;

3. A vicinity map at a scale of at least one (1) inch equals 2,000 feet (USGS 7.5 Quad);
4. A brief description and justification of the research design, methods and research techniques used;
5. Quantitative and qualitative summaries of cultural remains recovered during the field investigations including a description and the proposed significance of the remains;
6. A brief description of human occupation and land use, as evidence through documentary and Archaeological research;
7. A complete listing of sources, including individuals with personal knowledge of a site, records and literature, which were consulted during the reconnaissance;
8. Documentation of the project site including a site map at a minimum scale of one inch equals 400 feet showing the location of field work, visible cultural sites or structures, photographs of sites or structures completed, State of New Mexico site inventory forms (which can be obtained from the New Mexico Historic Preservation Division) and an overview of previous work and findings in the vicinity;
9. An assessment of the impact of the proposed development on the cultural remains of the site; and
10. Recommended significance status as defined by the treatment plan for the project site, and cost estimates for such treatment.

Review Procedures

- a. The Planning and Zoning Director shall submit the reports with comments to the State Historic Preservation Division to determine whether the sites discovered by the survey are significant, and whether the methods developed to protect a Historical, Cultural or Archaeological Site or Landmark are adequate.

- b. The State Historic Preservation Division, following review of the information about the site shall make one of the following recommendations to the Planning and Zoning Director:
1. The proposed development will not affect a significant site, structure, or landmark or the integrity of the site;
 2. The proposed development will adversely impact a significant site or structure or the integrity of the site, but the effects can be mitigated through a specified treatment plans that will mitigate the impacts; or
 3. The proposed development will adversely impact a significant site or structure or the integrity of the site, and the affected structures or sites are of such size or significance that an adequate treatment is not feasible; in this case fair compensation proceedings may be pursued.
- c. If the Historical, Cultural, or Archaeological Site or Landmark is determined not to be significant, then no further treatment is required.
- d. If the comment from the State Historic Preservation Division are not received by the Planning and Zoning Director within thirty (30) days of the date the application was submitted to the State Historic Preservation Division, the Planning and Zoning Director may make his referral to the County Planning and Zoning Commission without recommendation.
- e. If an archaeological site is determined to be significant, then the treatment plan shall be as follows:
1. A sample of surface artifacts shall be collected;
 2. If there is a reason to believe that subsurface remains do exist, then test excavations shall take place consisting, at a minimum, of two percent (2%) or eighteen (18) square feet, whichever is greater, of the archaeological site(s); at least eighteen (18)

square feet shall be dug by hand; expansion of initial excavations may be made by mechanical equipment; excavations shall proceed to a depth where no Archaeological features or

artifacts are encountered; in addition, further archival research shall be conducted concerning human occupation and the land use of the site(s);

3. Surface artifacts shall be collected and documented; the site shall be treated in such a manner that no subsurface disturbance takes place; and
4. If test excavations are required, a preliminary excavation report of the results of the excavations shall be submitted to the Planning and Zoning Commission before approval of the final development plan.

f. A mapped and written record shall be kept by the County of all survey areas and test excavations.

Archaeological Review Sites/Unexpected Discoveries/Human Remains/Penalties

A report of any unexpected discoveries of cultural remains during construction activities shall be made to the County Planning and Zoning Department and to the State Historic Preservation Division. Construction activities shall cease within the area of the discovery that in any way endangers the cultural remains. An archaeologist authorized by the State Historic Preservation Division shall visit the site within forty eight (48) hours, excluding weekends or holidays, and determine the archaeological significance and the data potential of the site. If the site is determined to be significant and to have data potential, then:

- a. The archaeologist will determine a buffer area in which construction activities shall temporarily cease;
- b. The property owner shall present a treatment plan to the State Historic Preservation Office for approval; and

- c. The treatment plan shall meet the requirements of these regulations.

Human remains are considered part of an archaeological record, and should be afforded special treatment pursuant to Section 24-11-5, NMSA, 1978. If human remains are discovered, any construction activities affecting the remains shall cease and County officials shall be contacted. If the human remains are less than seventy-five (75) years of age, a determination of jurisdiction will be made by the office of the New Mexico Medical Examiner. If the remains are determined to be prehistoric or isolated burials of early historical age, the site is considered to be significant and a treatment plan shall be provided. This treatment plan shall indicate consideration of local Native American or other religious concerns, or if applicable, shall include notification of possible relatives or descendants. If the remains represent permanent interment in any church, church yard or cemetery, they may not be disturbed without a district court order. (Section 30-12-12 NMSA, 1978, as amended)

Failure to report such finds shall result in the imposition of penalties provided for by law.

Public Use:

If the owner of an archaeological, historical, or cultural resources site intends to make the premises open to the public or charge user fees to the public for visiting the site, the owner shall be subject to the provisions of the County's Zoning Ordinance.

Maximum Time for Surveys/Reports/Excavations of Significant Sites/Treatment of Unexpected Discoveries:

In no case shall the professional or archaeologist engaged to prepare a report or conduct the reconnaissance survey, and report on findings for the excavation of unexpected discoveries or the excavation of significant sites, spend more than twenty (20) eight-hour equivalent work days in carrying out his or her responsibility.

Maximum Funding Limit:

In no case shall the applicant be required to spend more than one percent (1%) of the value of the proposed development shown on the development permit??? in

providing reports and other information requested by the
Planning and Zoning Director.

APPENDIX B. Terrain Management

SUBDIVISION REVIEW REGULATIONS FOR TERRAIN MANAGEMENT

PURPOSE:

The purpose of these regulations is to set forth a minimum standard that shall be required of applicants to the County of San Miguel for the purpose of seeking approval of a subdivision situated with the County's Soil & Water Conservation District in regard to Terrain Management.

DEFINITIONS:

cover density - means the estimated percentage of canopy and basal cover for each vegetative type; canopy cover being the estimated percentage of trees and shrubs that would shade the ground at midday and basal cover being the percentage of grasses, rocks, litter, and desert pavement in direct contact with the ground

drainage channel - means any depression into which storm water flows along a defined course

erosion - means soil movement due to wind or water

erosion control structure - means any man made device for preventing or controlling erosion

floodplain - any area which will be flooded by water from a 100-year frequency storm

floodway - any area that will be flooded by water from a 25-year frequency storm

flood fringe - any area that will be flooded by water from a 50-year frequency storm

local district - means any soil and water conservation district within the county in which the proposed subdivision is located

sediment - means any soil or other surface material transported by wind or surface water as a product of erosion

soil survey - means 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 approved by the local district

terrain management - means the control of floods, drainage and erosion and measures required for adapting proposed development to existing soil characteristics and topography:

watercourse - means any river, creek, spring, stream, arroyo, or any other like body having definite banks and/or evidencing the overland flow of water

THE SOIL & WATER CONSERVATION DISTRICT shall determine:

1. whether the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and erosion.
2. whether the subdivider can fulfill the proposals contained in the disclosure statement concerning terrain management.

A TERRAIN MANAGEMENT PLAN shall include:

1. VICINITY MAP - A map drawn to a scale of not more than 2,000 feet to one inch showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within three miles of the site. This map shall display the topographic contours at 20 feet intervals (A suitable example would be from a USGS Topographic Map).
2. NATURAL FEATURES MAP - A map of the development (at the same scale as the preliminary plat map) showing directly or by overlay:
 - a) The boundaries of the development.
 - b) The existing contours with intervals of not less than 2 feet where the slope is less than 8% and not more than 5 feet where the slope is 8% or greater.
 - c) All areas with natural slopes of 25% or greater clearly recorded by scale, line, or color.

- d) The location of all drainage channels, watercourses, water bodies, floodways, flood fringes, and flood plains.
 - e) The location of all major rock outcropping, faults and geologic resources.
 - f) The location of the major vegetation types showing the plant species included and the cover density. This may be accomplished by use of a line map or aerial photo of reasonable clarity taken within the past 12 months, and be of a satisfactory scale with an appropriate legend.
3. SOIL SURVEY - A soil survey of the site including;
- a) An overlay of the natural features map showing the location of each soil type. Soil surveys will be in keeping with national standards as set forth by the USDA Natural Resources Conservation Service
 - b) A description of the soil types. Detailed soil profiles may be required if deemed necessary by the soil & water conservation district
 - c) Interpretations of the limitations from a detailed soil survey for each soil type for the intended land uses common to the development
- 4) GRADING PLAN - A series of maps, cross sections, and design profiles showing the location and impact of the planned development features to the natural land form.
- a) An overlay of the Natural Features Map showing the location of all proposed parcels, roads, bridges, water and erosion control structures, and the utility easements in relation to the existing contours.
 - b) An overlay showing the finished contours of the development after all proposals have been implemented using contour intervals equal to or less than those on the existing contour map.
 - c) The location of all cuts and fills, including the grades, lengths, and depths thereof displayed using the necessary cross section and profiles to adequately describe and display the planned action

- d) The location of all areas where the natural elevation of the land will be changed by more than three feet.
 - e) The location of all areas where the grading of land will disturb more than 1000 contiguous square feet.
 - f) Profiles showing the existing ground surface and proposed street grades and typical cross-sections of the proposed grading.
 - g) Description of methods of stabilization in areas of cut and fill, embankment compaction, and revegetation of steep slopes.
5. **LANDSCAPING PLAN** - A series of maps or overlays and narratives to identify those areas which will be revegetated following disturbance or to enhance the visual aesthetics of the site and the methods to be used:
- a) Location and type of materials to be used in revegetation and slope stabilization.
 - b) Location of all areas where vegetation will be preserved and a description of the methods which will be used for protection.
 - c) Duration of exposure of the disturbed sites before reclamation of the site with methods to be used to minimize erosion of the disturbed sites prior to reclamation.
 - d) A description of the vegetative characteristics that will be present after revegetation.
 - e) The plan for site preparation, fertilization, seeding rates, dates and amounts by species, mulching type and amount for both grass, shrubs and trees. If watering is a planned part of the revegetation procedure a description of the planned irrigation system and amounts of water needed will be included
6. **EROSION AND DRAINAGE PLAN** - This shall include the necessary charts, drawings, location maps, and calculations to support the plan:

- a) A watershed map showing all the upper watershed area draining into or through the site; it should show the water courses and topographic conditions as well as indicate the soil and vegetative types and their locations within the watershed.
- b) Storm drainage computations for the 100-year frequency storm both reaching and leaving the site in the pre-development conditions.
- c) Storm drainage calculations for the post development estimates of runoff after planned full development of the site. This will be displayed to show the estimated runoff before and after any mitigation of the increased flows.
- d) Quantities of water carried by the major watercourses and the proposed treatment of the watercourses. Calculations will be provided for pre and post development.
- e) The location, type, and size of all proposed drainage and erosion control structures with adequate detail of the drawings or designs.
- f) The location and size of all drainage easements for all flood plains, floodways, flood fringes, and other natural water courses along with adequate supporting documentation. Drainage easements are required for all watercourses with 100-year storm flows that exceed 20 cubic feet per second flow rates.
- g) An overlay indicating the depth to ground water in all areas where the seasonal high water table is within twenty feet of the ground surface. .
- h) All appropriate design details necessary to clearly explain the construction of all surface and subsurface structures.

7. CONSTRUCTION SCHEDULE

- a) The start and finish dates for all clearing, grubbing and grading activities;
- b) Duration of exposure of disturbed areas;
- c) Stabilization date for disturbed areas;

- d) Installation date of all storm drainage system components;
- e) Installation date for all roads and related structural measures;
- f) Paving dates for all roads or parking areas included in the site plan;
- g) Installation date of each utility to be provided and whether said utility will be above or below ground;
- h) Installation date for homes, recreation structures, and other communities facilities and improvements;

A DISCLOSURE STATEMENT REGARDING TERRAIN MANAGEMENT shall include:

- 1) Describe the suitability of the soils in the subdivision for residential use whether permanent or seasonal;
- 2) Describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures;
- 3) Give the location of all lots with land areas within a flood way, flood fringe or flood plain;
- 4) Give the location of all lots located on slopes in excess of 8 percent;
- 5) Describe the subsurface drainage for all lots;
- 6) Describe the surface drainage for all lots;
- 7) Describe all storm drainage system including the completion date of any required to be constructed

REFERENCE MATERIAL

Critical Area Treatment for Urban Development, Ciudad SWCD - USDA, SCS - Albuquerque Health & Energy Dept. Air Pollution Control Division

Guide for Interpreting Engineering Uses of Soils, USDA, SCS

Engineering Field Manual for Conservation Practices, Chapter 2 -
Peak Rates of Discharge for Small Watersheds in New Mexico, USDA,
SCS

Field Office Engineering Field Handbook, USDA, SCS

Field Office Technical Guides, USDA, NRCS

Field Office Technical Notes, USDA, NRCS

Natural Resource Conservation Districts Practice, Standards for
Terrain Management, NM Assoc. of Soil & Water Conservation
Districts New Mexico Subdivision Review Guide, USDA, SCS 1989

National Agronomy Manual, USDA, SCS

National Plant Materials Handbook, USDA, SCS

National Range Handbook, USDA, SCS

National Soils Handbook, USDA, SCS

Published Soil Surveys and Soils Interpretation Sheets by the USDA,
NRCS

TR 20 - Computer Program for Project Formulation - Hydrology, USDA,
SCS

TR 55 - Urban Hydrology for Small Watersheds, USDA, SCS

SUPPORTING DATA REQUIREMENTS

In instances of phased development the local district shall require those portions of the Terrain Management Plan for the entire proposed development that it deems necessary to allow for the conducting of adequate phase development reviews.

A critical factor impacting terrain management, especially in those cases where the developer is selling undeveloped lots is what is allowed to happen after the sale. Normal sound development practices in these situations include a set of restrictive covenant and homeowner association by-laws. These documents set forth any do's and don't's that will be allowed in the subdivision. Since these can have such a profound impact on the overall plan for terrain management, the local district shall require that these be made available at the time of the initial review of any subdivision packet received for review.

SOILS

Soils having severe limitations, or which are shown as unsuitable, for the intended purposes should not be used for the purpose unless the developer has clearly shown in the terrain management plan how these limitations will be overcome.

Below are the major categories of land use to be used in reviewing the terrain management plan of the subdivision. Information about any of these categories which are pertinent to the development proposal should be included in the terrain management plan.

- a) Building Site Development
- b) Construction Materials
- c) Local Roads and Streets
- d) Underground Utilities
- e) Water Control Structures
- f) Erosion Control Structures
- g) Playgrounds
- h) Paths and Trails
- I) Sewage Disposal

GRADING

Land grading, filling, and clearing operations can cause many problems when performed incorrectly; such as when leaving large areas open to wind or water erosion.

In addition to conforming to soil suitability, grading, filling, and clearing operations, including road development, shall be designed to fulfill the following requirements and be included in the terrain management plan as outlined below.

- A. Preserve, match or blend with the natural contours of the land.
 - 1. The plan should adequately describe how grading operations will be performed to blend slopes and fills into the natural contours of the land.
 - 2. The plan should indicate whether the subdivider intends to retain or replace trees and other native vegetation, to stabilize hillsides and cut/fill slopes, retain moisture, reduce erosion, reduce runoff, and preserve the natural scenic beauty.
 - 3. Cuts and fills should be designed to minimize the area of exposure and reduce the sharp angles at the toe and sides.
 - 4. The plan should prevent the deposit of sediment into flood plains, drainage channels, water courses, and water bodies.
- B. The following discharges attributable to grading are prohibited whether the discharge is direct or indirect:
 - 1. Sediment and other organic or earthen materials discharged into a water course, water body, drainage channel or floodplain.
 - 2. Material placed in any position which would make it susceptible to erosion and deposition into a water course, water body, drainage channel, or floodplain.
 - a. The plan for grading, land forming, and protective cover should provide for the prevention of soil sedimentation.
 - b. The plan should call for temporary or

permanent structural measures to prevent damaging runoff waters from originating on the slope itself, if applicable.

- c. Planned structural measures should adequately provide for the limitations of the site.
- C. Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on site, the plan should provide for the exposed surface to be treated to the extent necessary to prevent dust from blowing off the construction site.
- D. The work schedule for the grading and filling operations should limit the time soil is exposed to the shortest possible period before cover is established.
- E. Provisions should be made for disposal of vegetation during the clearing operation.
- F. The plan should describe the disposition of earth removed during grading operations.
- G. The maximum cut and fill slopes should be compatible with soil stability or erodibility as shown on the soil survey and/or county regulations.
- H. The plan should include provisions to prevent runoff from flowing over the face of the slope.
- I. If mechanical stabilization measures are planned for slope containment:
 - 1. These structures should blend with the landscape.
 - 2. If structures do not blend in, landscape screening should be planned.
- J. If a borrow area is shown, revegetation should be planned for the disturbed area.
- K. If arroyos or other overall areas are in the planning area, plans should include rundowns to a safe outlet.
- L. Plans should include provisions for water and erosion control in borrow ditches along streets and roads.

FLOOD PLAIN MANAGEMENT

Subdivisions and developments shall be planned, constructed, and maintained so that:

- A. Dwellings are not located within the 100-year floodplain.
- B. Structures, material deposits, or excavations, alone or in combination with present or future works, do not adversely affect the capacity of the floodplain.
- C. Roads are not located in the floodplain unless specifically approved by the State Highway Department and the road does not conflict with B above.
- D. Structures with the potential for high flood damage, and confined animal shelters are not located in the floodplain.
- E. Existing utilities, and proposed utilities, will be free from threat of flood damage.

The preferred method of watershed hydrology evaluation is NRCS Technical Release 55, Urban Hydrology for Small Watersheds or Chapter 2 of the NRCS Engineering Field Manual. Other methods such as HEC2, HYMO/AHYMO, or the rational method are acceptable if sufficient supporting data is presented and deemed adequate by the reviewer.

Flood line elevations and locations are of primary importance. It is imperative that the 100-year flood line elevations and locations be shown on the plat map. Damage from flooding is a function of flow depths and velocity. In appraising the flood damage potential the magnitude and location of the velocities should be considered. Erosion and sediment deposition are good indicators of damage that has occurred in the past.

Areas of potential flooding are identified in soil limitations. While these are not usually accurate enough to identify the 100-year flood zone, they will be useful indicators of areas needing careful study by the developer. The use of FEMA Flood Hazard Maps by themselves is also not considered adequate for locating all possible 100-year flood plains within the development. These maps may note the presence of the larger drainage flood hazard areas, but does not delineate the smaller areas needed to be identified within a proposed subdivision. Even the smallest of watersheds has a floodplain, but the intent of the review is to note those drainage courses that will flood and impact the proposed land use of the subdivision. The smaller drainage course must not be overlooked. They must be properly identified as potential

floodplain hazards if these drainage courses cross numerous lots where activities by the upstream lot owner may directly or indirectly change or alter the flow pattern of these water courses. The developer must note the major water courses having flood plains on the plat maps, but additionally the developer needs to identify those smaller drainage channels and water courses that may originate on or off the development and cross a number of lots and present a potential hazard if altered by upstream activities. Rather than identify these smaller drainage as 100-year floodplain drainage easements the designation and evaluations as required for the larger drainage the platting of a natural water course with a perpetual easement for facilitating the natural water patterns should be encouraged and required where deemed necessary. This will allow the flood waters to move through the natural as well as the man made flood channels without being obstructed. Care must be given to consider those water courses that do not have definite and distinct banks but are flood plains due to an overland flow condition.

STORM DRAINAGE PLAN

Subdivisions and developments shall be planned, constructed and maintained to:

- A. Protect and preserve existing natural drainage channels except where erosion and water control measures are found necessary and approved by the local district.
- B. Provide temporary measures to prevent damaging runoff waters from leaving the site until construction is completed and permanent control measures are installed.
- C. Protect structures and other works from flood hazards using the 100-year frequency storm for calculating flood levels.
- D. Provide a system wherein runoff water within the subdivision is removed without causing harm or damage to the environment, property, or persons, inside or outside the subdivision area.
- E. Assure that water drained from the subdivision does not contain pollutants or sedimentary materials of any greater quantity than would occur in the absence of the subdivision.
- F. 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.

- G. Assure that road construction ensures proper drainage conditions by:
1. Water ponding areas as a result of road construction should be avoided unless plans are developed that will adequately address the conditions.
 2. Roads planned to be used in collecting or disposing of runoff should be designed to insure adequate control of the flows that prevent erosion and sedimentation.
 3. Road drain outlets into an existing drainage course should be designed to prevent erosion in the drainage course.
 4. Do road drains outlet into a controlled area?
 5. Road culverts should be properly sized and located and of adequate length, and described in the plan.
 6. Road culvert inlets and outlets should be adequately protected.

All storm drainage systems shall be constructed in accordance with the standards of the local district as deemed necessary for the site conditions of that proposed subdivision. If the drainage basin wherein the subdivision is located is only partially developed the local district shall require that the design and construction of the drainage system have sufficient inlet flow capabilities to adequately serve the entire drainage basin. This is based on the assumption the entire basin will be developed.

Development of an area is almost certain to cause an increase in runoff and sediment. The possible adverse effects of such increase should be analyzed. Special consideration should be given to the existing or planned bridge, culvert and road crossing sizes and the stability and capacity of the existing or planned water courses. All planned construction of roads and their appurtenances shall be reviewed to insure they do not adversely impact the storm drainage flows. It is recognized that stable water courses may start to degrade when exposed to larger, more frequent or longer flows that may result from development.

Diversion, debris basins, retaining walls, terraces, berms and vegetative means should be used as needed to reduce sediment and

runoff. It is recognized that once treated and sediment levels of storm runoff are reduced, the water is once again more likely to be able to increase erosion in areas not previously impacted due to its new found ability to erode and transport sediment.

Regrading and shaping of large natural channels usually increases the channel velocity which results in increased erosion unless measures are taken to slow velocities and protect the banks.

Excavated and filled slopes should generally be 3:1 or flatter.

EROSION CONTROL

The plan should clearly indicate that installed measures will prevent or control erosion. As a minimum the following items should be considered:

- A. Road grades should be designed flat enough to prevent erosion, based on the soils involved.
- B. Borrow areas or drainage features should be designed to prevent erosion or sediment deposition.
- C. Culvert inlets and outlets should be properly protected from erosion and sedimentation.
- D. Critical area treatment or special plantings may be needed. If so, the plans should be in keeping with the landscaping and revegetation plan procedures.
- E. Temporary soil stabilization be needed during development. If so, it should be adequately planned in accordance with local district Field Office Technical Guides.
- F. Soil stabilization methods should be planned on permanent slopes where found necessary by the local district.

LANDSCAPING AND REVEGETATION

Revegetation is an important part of any subdivision plan. A definite time schedule for installing plant cover is necessary to prevent erosion. The need for revegetation is an integral part of several other sections involved in terrain management. The following items will be considered when reviewing the vegetation portion of a subdivision plan:

- A. Species scheduled for planting should be adapted to the soils and the local climate. The use of any species considered to be noxious or a weed species that could enhance the distribution of undesirable species will not be allowed.
- B. Planting dates shown in the plan should agree with the local districts Field Office Technical Guides.
- C. Seeding rates shown in the plan should meet the minimum set forth in the local district Field Office Technical Guides.
- D. Seeding or planting methods should be compatible with the methods in the local district Field Office Technical Guides.
- E. Mulching of seeding areas should be a part of the plan. If so it should be compatible to the Field Office Technical Guides and the Critical Area Treatment for Urban Development publication.
- F. Existing vegetation should be left undisturbed whenever possible. The plan should adequately ensure these areas are not adversely impacted during the construction of the subdivision.

DISCLAIMER STATEMENT

The local district in its report to the County Commission should end with a disclaimer statement similar to the following as approved by the local district:

The preceding review and opinions of the Terrain Management Plan for the proposed subdivision (Name of the Subdivision or Development Project) were made in response to the request by the San Miguel County Commission as provided for by the New Mexico Subdivision Act. The review comments and opinions are only such and are not in any way an endorsement or recommendation of the proposed subdivision by the _____ Soil and Water Conservation District.

APPENDIX C. Roads & Utilities

Roads & Utilities

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 General Purpose County Subdivision Regulations Roads and Utilities Article 8 - Sec 2 2.3 - 47-6-27 Enforcement Penalties and Remedies 3.3 A-I, ii and B 4-37-3 NMSA 1978, and all guidelines for County Subdivision Regulations governing Federal and State Highway Requirements.

ROAD IMPROVEMENTS:

All streets shall be graded and the roadway improved by surfacing under the supervision of and in accordance with the plans approved by the County Engineer or Road Superintendent at the subdivider's expense. The county may require a two year performance bond on the roads, drainage and material.

DESIGN STANDARDS:

These design standards are to be followed by the Subdivider.

A. General:

1. The arrangement, character, extent, width, grade and location of all streets shall conform to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
2. The proposed street layout shall be made according to sound land planning practice for the type of development proposed and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation of appropriate projections of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.
3. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render the dedication of full street right-of-way impracticable, then adequate provisions for the concurrent dedication of the remaining half (½) shall be provided by the proposed development.

4. Where land is subdivided into large tracts and where the potential for future subdivision exists, such tracts shall be arranged to allow for provisions of future streets and logical further resubdivision pattern.
5. Where a proposed residential subdivision contains lots abutting or adjacent to a major highway, it shall be planned to avoid having lots fronting on the highway. Subdivisions shall be laid out to have a minimum number of street intersections with highways. The "sight distance" at any intersection must provide for adequate "stopping distance." where the subdivision contains, or is adjacent to a state or federal highway, the subdivision must satisfy the New Mexico State Highway Department guidelines for land subdivision. Each subdivision in which, regardless of type or class, livestock is kept or allowed to remain, shall be contained within a perimeter of stock fence minimum 49 inches and 2 barbed wire strands on top 10 inches apart and sufficient character so as to prevent any and all livestock from escaping through any portion of the fence, if the subdivision is contiguous to county, state or federal highways. In any such subdivision, if the State Highway Department right-of-way fence is cut to provide access to the roadway, the subdivider shall install a cattle guard at the point of the cut and the subdivider shall have the responsibility of keeping the right-of-way fence intact until each adjoining lot is sold or leased by the subdivider. The perimeter fence shall be tied to the right-of-way fence presently in existence, or any such fence constructed in the future, where such right-of-way fence is outside the corporate limits of the city or town.
6. The commission shall require roads to be located, aligned and designed to:
 - a. Preserve natural features, vegetation and topography and protect the natural environment;
 - b. Protect public health and safety;

- c. Require the least amount of road surface necessary to adequately serve the type and intensity of the proposed uses within the subdivision, calculating future traffic demand according to vehicle type and anticipated volume, and providing adequate access for public service vehicles;
 - d. Require the creation of the minimum feasible disturbance to the soil;
 - e. Provide, to the extent feasible, for the separation of motor vehicular, bicycle, pedestrian and equestrian traffic;
 - f. Install proper signs i.e., Stop, Yield, Pedestrian Crossing, Speed limits, bus stops, or any other needed signs.
 - g. Create conditions of proper drainage;
 - h. Provide for proper landscaping; and
 - I. Protect against erosion of roads and/or road surface and adjacent areas.
7. The minimum acceptable standard for roads shall be a six inch compacted thickness of base course, gravel or pit run aggregate material. Prior to the placement of the surface material there shall be six inches of subgrade. The subgrade and surface shall be compacted to ASSHO specifications contained in the New Mexico Public Works Standards as revised.
8. Culvert size shall be based on at least a twenty five year storm. Road overflow sections will be permitted in accordance with good engineering practices.

B. Streets:

- 1. General: Streets and alleys shall be arranged to cause no hardship to the owners of adjoining property and off-set streets shall be avoided. Proper access shall be given to all lots from a public street.

2. The design standards for right-of-way, surface width, grade and design speed are as follows:

<u>CLASSIFICATION</u>	<u>MINIMUM RIGHT OF MINIMUM SURFACE</u>		<u>MAXIMUM GRADE</u>	<u>DESIGN</u>
	<u>WAY WIDTH</u>	<u>WIDTH</u>		<u>SPEED</u>
				<u>M. P. H.</u>
Major Arterial	100'	two 25' strips w/divider	6%	55
Minor Collector	77'	56'	8%	45
Major Collector	66'	45'	8%	35
Minor Collector	66'	34'	8%	30
Local	50'	20'	10%	30
Cul-de-sac	50'	20'	10%	25
Short Loop	40'	18'	10%	25
Mountain Roads	30'	16'	15%	25
			(see below)	
Commercial Mountain Roads	40'	30'	15%	25

The major arterial has four lanes with divider, no parking. The minor arterial has four lanes and one row of parking or a turn slot. The local has two lanes plus one row of parking or can keep one lane moving even with parking on both sides. The cul-de-sac allows one lane of alternate traffic where there is parking; without parking, two lanes of traffic are accommodated. The short loop is the same as the cul-de-sac, very low speeds only are allowed. A 15% maximum grade will be required on mountain roads where no alternate routes are available in the event of snow or icy conditions. No street grade shall be less than 0.5%. Grades approaching street intersections shall not exceed five percent for a distance of not less than 100 feet each way from the intersection. All streets shall be located so as to minimize areas of cut and fill and conforming to good terrain management principles. Commercial Mountain Road will apply to heavy truck traffic.

In order to allow for snow removal, the minimum shoulder width for a local street of any classification should be six feet wider on each side than the surface width and slanted for snow melt runoff. That standard should be expanded as needed for the other peripheral uses.

Where roads have shoulder of 6' or more the following will be required;

slopes	0-10%	required seeding	Strawcovered or blanket
slope	11-25%	require riprap	
slope	26-30%	require riprap	wire (chain-link or suitable metal fence fabric-minimum 11 gauge)

For rural developments, all streets shall be developed under the "local" classification (standards) unless very low densities suggest that future redevelopment shall take place at higher densities which would require greater street capacity. If redevelopment is anticipated, sufficient right-of-way to expand to collector or minor arterial classification will be required. Private roads or roads that will never apply for county maintenance shall develop to the mountain standards. Where a developer and the affected utilities agree to locate utilities away from the street, no right-of-way allowance shall be made for utilities along the street. Where bike-ways and pedestrian paths are located at the rear of lots or otherwise away from the street, no allowance for such uses need to be made in the street right-of-way. However, the snow removal strip, described above, must be reserved in every street right-of-way.

3. Curve Radii and Super Elevation: Vertical and horizontal curves and the super elevation of the horizontal curves shall conform to the requirements as set forth in the American Association of State Highway Officials publication "A Policy on Geometric Design of Rural Highways."
4. Intersections: Streets shall be laid out to intersect each other as nearly as possible at right angles, and under no condition shall the intersection angle be less than 70°. No two opposing street intersections shall be less than 125' between center lines.
5. Cul-de-sacs (dead end streets): permanent cul-de-sacs shall be no longer than six hundred feet (600') and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty feet (80'), and a street property

line diameter of at least one hundred feet (100').

C. Blocks:

1. The length of blocks shall be no longer than one thousand feet (1,000') between street lines. The width of a block shall be sufficient to provide two (2) rows of lots. Where this is not practical, blocks may be one lot in depth.

D. Lots:

1. Arrangement: The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development.
2. Area and Dimensions: The area and dimensions of lots shall conform to the county zoning ordinance.
3. Property Lines: The side property lines of all lots shall be at right angles to the straight street lines or radial to curved street lines, unless a variation of this rule will result in a better street and lot plan.
4. Corner Lots: Corner lots should be of sufficient width to permit the establishment of front building lines on both street sides of the corner lot. Lots or intersections of streets shall have a radius of twenty feet (20') at the street corner.
5. Building Lines: Building lines shall be shown on all lots intended for residential use. Within the County of San Miguel, such building lines shall not be less than the requirements of any zoning ordinance. Restrictions requiring buildings to be set back to such building lines shall be shown on the plat or shall be contained in a separate recorded instrument and referred to on the plat.
6. Building Area: All lots intended for residential use shall have a buildable area equal to or greater than 30% of the total lot area.

7. Easements: Easements of at least seven feet (7') in width shall be provided and dedicated on each side of all rear lot lines (except where there are alleys) and along side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and other utilities. An adequate easement shall be dedicated along all major arroyos or critical water courses. Where a cut or fill road slope is outside the normal right-of-way of the street, then slope easement shall be provided of sufficient width to permit maintenance of the slopes.

8. Alleys: Alleys may be provided at the option of the subdivider in the rear of lots. The minimum alley width shall be twenty feet (20'). Dead-end alleys shall not be allowed.

E. Coordination of Subdivision Reviews:

All Subdivision packages should be sent certified mail to:

The New Mexico State Highway and Transportation
Department
P.O. Box 1149
Santa Fe, New Mexico 87504-149

Attention: Chris Vigil
Right of Way Bureau

APPENDIX D. Water Quality and Liquid and Solid Waste Disposal

SAN MIGUEL COUNTY SUBDIVISION
REGULATIONS GOVERNING WATER QUALITY, AND LIQUID
AND SOLID WASTE DISPOSAL

List of Sections

<u>Section</u>	<u>Title</u>
1	Definitions
2	Water Quality Documentation
3	Water Quality Requirements
4	Liquid Waste Disposal
5	Liquid Waste Disposal Requirements
6	Solid Waste Disposal Documentation
7	Solid Waste Disposal Requirements

List of Tables

<u>Table</u>	<u>Title</u>
3-1.	Primary (Health Related) Contaminants
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3-3.	Setback Distances for Water Supply Sources
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5-3.	Setback Distances for Individual Liquid Waste Systems

Section 1. DEFINITIONS - As used in these guidelines:

Alternative disposal system means 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 means a dry wash or draw which flows only occasionally.

Bedrock means consolidated earth materials. It includes fractured and cavernous rock.

Body of water means all constrained water including water situated wholly or partly within or bordering the state, whether surface or subsurface, public or private.

Canal means a man-made ditch or channel that carries water for purposes other than domestic.

Community liquid waste system means a liquid waste system which receives a design flow of more than two thousand (2,000) gallons of liquid waste per day. It is subject to the Water Quality Control Commission Regulations.

Conventional disposal systems means 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. Some examples of conventional disposal systems are absorption trenches and seepage beds.

Degrade a body of water means to reduce the physical, chemical, or biological qualities of a body of water. It includes the release of material which could result in the exceeding of standard 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 means the liquid waste flow rate for which a liquid waste system must be designed in order to assure acceptable system performance. It is generally governed by regulations, standards, codes, and accepted references.

Edge of a water course, canal or arroyo means that point of maximum curvature at the upper edge of a definite bank or, if no definite bank exists, the highest point where signs of

seasonal high water flow exist.

Engineer means a person authorized to practice professional engineering in the State of New Mexico.

Flood plain means any area which will be flooded by high water from a one hundred (100) year frequency storm.

Ground water means interstitial water which occurs in saturated earth material. It is capable of entering a well in sufficient amounts to be utilized as water supply.

Hazard to public health means the indicated presence in water or soil of chemical, biological or other agents under such conditions that may adversely impact human health.

Individual liquid waste system means a liquid waste system which receives a design flow of two thousand (2,000) or less gallons of liquid waste per day. It is subject to the Liquid Waste Disposal Regulations.

Liquid waste means domestic wastewater (sewage). It includes non-liquid-carried excreta.

Liquid waste disposal system means a component of a liquid waste system which disposes of the discharge from a liquid waste treatment system.

Liquid waste system means a system which is designed, constructed, operated, and maintained to receive, treat, and dispose of liquid wastes. It usually consists of collection, treatment, and disposal components.

Liquid waste treatment system means a component of a liquid waste system which removes, reduces, or alters the objectionable constituents of liquid waste.

Net lot size means 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.

Percolation rate means the rate of entry of water into soil. It is determined from a standard percolation test performed on the soil at the depth of the proposed soil absorption system.

Potential source of contamination means any source which could release substances resulting in the degradation of a body of

water and a hazard to public health.

Private water supply system means a water supply system that has less than fifteen (15) service connections or serves less than twenty-five (25) individuals.

Privy means a receptacle for non-liquid-carried excreta. It allows direct discharge to the soil.

Public water supply system means a water system which has at least fifteen (15) service connections or serves at least twenty-five (25) individuals. It is subject to the Drinking Water Regulations.

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

Seasonal high ground water table means the highest level to which the upper surface of the ground water may be expected to rise within a one (1) year period.

Soil survey means 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 means 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.

Total design flow means 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 net lot size (acres) by five hundred (500).

Water supply source means 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 means a system which is designed, constructed, operated, and maintained to provide

water suitable for domestic uses. It usually consists of source, treatment, transmission, storage, pumping, and distribution facilities.

Watercourse means any river, creek, arroyo, draw, wash, or any other channel having definite banks and bed with visible evidence of at least an occasional flow of water.

Section 2. WATER QUALITY DOCUMENTATION - 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.

- A. The water quality documentation package shall:
1. state the subdivider's name and mailing address;
 2. state the date the package was completed;
 3. state the subdivider's proposal for meeting the water quality requirements of these guidelines;
 4. be accompanied by a copy of the subdivider's disclosure statement on water quality;
 5. be accompanied by the information listed in Subsections B, C, or D of this section as applicable to the water supply proposal;
 6. be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these guidelines; and.
 7. be accompanied by one (1) copy of the well drillers log and a well permit.
- B. If a new public water supply system is proposed, the following information shall be submitted as part of the water quality documentation package:
1. 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;

2. 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 in Section 3 of these guidelines as may be required;
3. the location and description of the source of water sampled for the water quality analysis;
4. an engineer's report and preliminary plans for the proposed public water supply system; and,
5. maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed water supply system source.

C. If a connection to and extension of an existing public water supply system is proposed, the following information shall be submitted as part of the water quality documentation package:

1. 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;
2. a statement of availability of water service signed by an official of the existing public water supply system; and,
3. an engineer's report and preliminary plans for the proposed water system.

D. If private water supply systems are proposed, the following information shall be submitted as part of the water quality documentation package:

1. 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:

2. 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 in Section 3 of these guidelines as may be required;
 3. the location and description of the source of water sampled for the water quality analysis;
 4. preliminary plans for the private water supply systems if the system will serve more than one (1) connection; and,
 5. maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.
- E. Documentation of approval for the construction or modification of a public water supply system from the New Mexico Environment Department will be required before plat approval.

Section 3. WATER QUALITY REQUIREMENTS - Conformance with the water quality requirements of this section is required for preliminary plat approval.

- A. The level of a contaminant in water which is delivered to any user of a public or private water supply system shall not exceed the maximum contaminant level (MCL) for any of the contaminants listed in Table 3-1.
- B. The level of a contaminant in water which is delivered to any user of a public or private water supply system should not exceed the secondary maximum contaminant level (SMCL) for any of the contaminants listed in Table 3-2.
 1. If the level for any of the contaminants listed in Table 3-2 exceeds the SMCL, the subdivider must state in the disclosure statement on water quality the name of the contaminant exceeded; the contaminant level; the SMCL of the contaminant; the expected adverse effects of the contaminant

for domestic water use; and, the recommended treatment method to reduce the contaminant level to or below the SMCL.

- C. A water supply source shall not be located at less than the setback distances shown in Table 3-3.
- D. The disclosure statement for the subdivision shall contain a statement describing the quality of water available for domestic use within the subdivision.
- E. In order to protect the water quality all test holes and/or abandoned wells shall be totally sealed to the surface.
- F. All new wells shall be pressure cemented to the surface to prevent contamination.

Table 3.1 - PRIMARY (HEALTH RELATED) CONTAMINANTS

Inorganic (IOC)		Microbiology	
Contaminant	MCL	Contaminant	MCL
Antimony	0.006 mg/l	<i>Giardia lamblia</i> (d)	TT(●)
Arsenic	0.05 mg/l	<i>Legionella</i> (d)	TT(●)
Asbestos	7 MFL (●)	Standard plate count (d)	TT(●)
Barium	2 mg/l	Total coliforms	Absent
Beryllium	0.004 mg/l	Turbidity(d)	PS(f)
Cadmium	0.005 mg/l	Viruses(d)	TT(●)
Chromium (total)	0.1 mg/l	Disinfection Byproduct	
Copper	1.3 mg/l	Contaminant	MCL
Cyanide	0.2 mg/l	Total trihalomethanes	0.10 mg/l
Flouride	4.0 mg/l	Volatile Organic (VOC)	
Lead	0.015 mg/l	Contaminant	MCL
Mercury (inorganic)	0.002 mg/l	Benzene	0.005 mg/l
Nickel	0.1 mg/l	Carbon tetrachloride	0.005 mg/l
Nitrate (as N)	10 mg/l	Dibromochloropropane	0.0002 mg/l
Nitrate (as N)	1 mg/l	o-dichlorobenzene	0.6 mg/l
Nitrate+Nitrate (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
Radiomielide		cis-1,2-dichloroethylene	0.07 mg/l
Contaminant	MCL	trans-1,2-dichloroethylene	0.1 mg/l
Gross a particle activity (b)	15pCi/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 3.1 - Primary (HEALTH RELATED) CONTAMINANTS (continued)

VOC (continued)		SOC (continued)	
Contaminant	MCL	Contaminant	MCL
Monochlorobenzene	0.1 mg/l	Di-(2-ethylhexyl)phthalate	0.006 mg/l
Styrene	0.1 mg/l	Dinoseb	0.007 mg/l
Tetrachloroethylene	0.005 mg/l	Diquate	0.02 mg/l
Toluene	1 mg/l	Endothall	0.1 mg/l
1,2,4-trichlorobenzene	0.07 mg/l	Endrin	0.002 mg/l
1,1,1-trichloroethane	0.2 mg/l	Glyphosate	0.7 mg/l
1,1,2-trichloroethane	0.005 mg/l	Heptachlor	0.0004 mg/l
trichloroethylene	0.005 mg/l	Heptachlor epoxide	0.0002 mg/l
Vinyl chloride	0.002 mg/l	Hexachlorobenzene	0.001 mg/l
Xylenes (total)	10 mg/l	Hexachlorocyclopentadiene	0.05 mg/l
Synthetic Organic (SOC)		Lindane	0.0002 mg/l
Contaminant	MCL	Methoxychlor	0.04 mg/l
Alachlor	0.002 mg/l	Oxamyl (Vydate)	0.2 mg/l
Atrazine	0.003 mg/l	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
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 3-1:

- (a) Million Fibers longer than 10 μm 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 3-2. - SECONDARY (ESTHETIC RELATED) CONTAMINANTS

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

Notes to Table 3-1:

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

Table 3-3. - SETBACK DISTANCES FOR WATER SUPPLY SOURCES

Potential Source of Contamination	Required Minimum Setback Distance (feet)	
	Public Water Supply System Source	Private Water Supply System Source
Water Tight Sewers	50	25
Other Sewers	100	50
Community Liquid Waste Treatment System	300	150
Individual Liquid Waste Treatment System	100	50
Community Liquid Waste Disposal System	600	300
Individual Liquid Waste Disposal System	200	100
Flood Plains	Outside	Outside

Section 4. LIQUID WASTE DISPOSAL DOCUMENTATION - 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.

- A. The liquid waste disposal documentation package shall:
1. state the subdivider's name and mailing address;
 2. state the date the package was completed;
 3. state the subdivider's proposal for meeting the liquid waste disposal requirements of these guidelines;
 4. be accompanied by a copy of the subdivider's disclosure statement on liquid waste disposal;
 5. be accompanied by the information required in Subsections B, C, or D of this section as applicable to the subdivider's liquid waste disposal proposal; and,
 6. be accompanied by other relevant information as may be necessary for determination of compliance with the liquid waste disposal requirements of these guidelines.
- B. 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:
1. an engineer's report and preliminary plans for the proposed community liquid waste system;
 2. maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed liquid waste treatment and liquid waste disposal site; and,
 3. documentation of the filing of a Notice of Intent to Discharge with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.

- C. If the subdivider proposes a liquid waste system by connection to the extension of an existing community liquid waste system, the following information shall be submitted as part of the liquid waste disposal documentation package:
1. a statement of availability of liquid waste service signed by an official of the existing liquid waste system; and,
 2. an engineer's report and preliminary plans for the proposed extension to the existing liquid waste system.
- D. If the subdivider proposes individual liquid waste systems, the following information shall be submitted as part of the liquid waste disposal documentation package:
1. 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 boring, and soil tests) defining soil depth to bedrock, seasonal high water ground water table or other limiting soil layer, and percolation rate for the soils present within the proposed subdivision;
 2. maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries;
 3. 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 5-2; and,
 4. preliminary plans for the individual liquid waste systems if a system will serve more than one (1) connection.
- E. Documentation of approval for the discharge from a community liquid waste system from the New Mexico Environment Department will be required for final plat approval.

Section 5. LIQUID WASTE DISPOSAL REQUIREMENTS - Conformance with the liquid waste disposal requirements of this section is

required for preliminary plat approval.

A. Community liquid waste systems.

1. A community liquid waste system shall be permitted, designed, and constructed, by the time of first occupancy within the subdivision, to comply with the Water Quality Control Commission Regulations; and, operated, maintained, and expanded as necessary to insure that the system will comply with the Water Quality Control Commission Regulations.
2. The subdivider shall disclose and covenant that all lots within the subdivision must connect to the community liquid waste system at the time of occupancy.

B. Individual liquid waste systems.

1. Individual liquid waste systems shall be located, installed, operated, and maintained in a manner which will not cause a hazard to public health or degrade any body of water.
2. Individual liquid waste systems shall not be installed where an existing community liquid waste system is available for use within the subdivision; installed in subdivisions or on lots with sizes less than shown in Table 5-1; installed in prohibitive soils as shown in Table 5-2; installed at less than the setback distances shown in Table 5-3; or, privies (outhouses) or holding tanks if a water supply system is to be used.
3. The subdivider shall disclose the covenant that the lots can not be further divided or subdivided to lot sizes smaller than those approved for the subdivision.

TABLE 5-1 - LOT SIZES FOR INDIVIDUAL LIQUID WASTE SYSTEMS

Minimum Average Lot Size for Subdivision	Minimum Lot Size
2.00 acres	1.00 acres

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

Table 5-2. - SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE SYSTEMS			
Soil Characteristics	Soil Category(a)		
	Suitable(b)	Limiting(c)	Prohibitive(d)
Percolation Rate (minutes per inch)	5-60	Less than 5 or 61-20	More than 120
Slope(percent)	0-8	9-15	More than 15
Soil Depth to Seasonal High Ground Water Table or Bedrock or other Limiting Soil Layer (feet)	8 or more	4-8	Less than 4
Flood Plain	Outside	Outside	Outside

Notes to Table 5-2:

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

Table 5-3. - SETBACK DISTANCES FOR INDIVIDUAL LIQUID WASTE SYSTEMS		
Object	Required Minimum Setback Distance (feet)	
	Treatment Unit	Disposal System
Individual Water Supply System Source	50	100
Public Water Supply System Source	100	200
Edge of Watercourses Except Canals and Arroyos	50	100
Edge of Unlined Canals and Arroyos	15 + depth of channel	25 + depth of channel
Edge of Lined Canals	10 + depth of channel	10 + depth of channel
Public Lakes	50(a)	100(a)

Notes to Table 5-3:

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

Section 6. SOLID WASTE DISPOSAL DOCUMENTATION - 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.

- A. A solid waste documentation package shall:
1. state the subdivider's name and mailing address;
 2. state the date the package was completed;
 3. state the subdivider's proposal for meeting the solid waste disposal requirements of these guidelines;
 4. be accompanied by a copy of the subdivider's disclosure statement on solid waste disposal;
 5. be accompanied by the information required in Subsections B or C of this section as applicable to the subdivider's solid waste collection and disposal proposal; and,
 6. be accompanied by other relevant information as may be necessary for determination of compliance with the solid waste disposal requirements of these guidelines.
- B. 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:
1. a statement of availability of solid waste collection and disposal service signed by an official of the solid waste collection service;
 2. the name, location and owner or operator of the solid waste disposal site used by the collection service.
- C. If the subdivider proposes 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:
1. a statement of availability of solid waste

disposal service signed by an official of the disposal site;

2. the travel distance from the center of the subdivision to the disposal site.

Section 7. SOLID WASTE DISPOSAL REQUIREMENTS - Conformance with the solid waste disposal requirements of this section is required for preliminary plat approval.

- A. At the time of first occupancy of the subdivision the subdivider shall provide for:
 1. disposal of solid wastes at an approved solid waste disposal facility; and,
 2. 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..
- B. At the time when five hundred (500) lots of the subdivision are occupied, the subdivider and or a homeowner's association shall provide for an approved solid waste collection system to collect and transport solid wastes to the disposal facility. This system shall be approved by the County.
- C. The disclosure statement for the subdivision shall contain a description of the means of solid waste disposal for the subdivision.

APPENDIX E - SAN MIGUEL COUNTY SUBDIVISION REGULATIONS
GOVERNING WATER SUPPLY REQUIREMENTS

Pursuant to Sections 47-6-1 through 47-6-29
New Mexico Subdivision Act, NMSA 1978, as Amended

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DEFINITIONS

COMMUNITY WATER SYSTEM - An existing or proposed water supply system which relies upon surface and/or groundwater diversions other than wells permitted by the State Engineer under Section 72-12-1 NMSA, and which consists of common storage and/or distribution facilities operated for the delivery of water to multiple service connections.

CERTIFICATED UTILITY - A utility which operates under the conditions of a certificate of convenience and necessity issued by the New Mexico Public Utilities Commission.

NON-CERTIFICATED UTILITY - A utility exempt from mandatory registration with the New Mexico Public Utilities Commission, including special districts, cooperatives, municipal owned and homeowner association owned utilities.

OUTDOOR WATER FEATURES - Refers to any outdoor recreational and architectural uses of water, such as fountains, water gardens and fish ponds.

MAXIMUM ANNUAL WATER REQUIREMENT - The total annual diversion required from the source to meet the water use requirements of the subdivision, including conveyance losses.

PART 1
Water Conservation Measures

The following water conservation measures shall apply to all subdivisions:

- A) Water-saving fixtures shall be installed in all new residential and non-residential buildings. Water-saving fixtures shall include, but not be limited to, low-flush toilets, low-flow showerheads, low-flow faucets, and insulation of hot water pipes.
- B) Low water use landscaping techniques applying the principles of xeriscaping shall be utilized.
- C) All non-residential service connections, regardless of source of supply, and all residential buildings served by a community water system shall be metered. Water produced from each well in a community water system or at each surface water source shall also be metered and the volume thereof reported to the State Engineer Office.
- D) Water distribution mains shall be pressure tested in accordance with New Mexico Standard Specification for Public Works Construction, Section 801.16.
- E) If not required by the local plumbing code, where water pressure at the customer service connection exceeds 80 pounds per square inch (psi), a pressure reducing valve shall be installed on the service connection.
- F) All applicable restrictions on indoor and/or outdoor water use prescribed under permits issued by the state engineer, or pursuant to an order issued by a court of competent jurisdiction, shall be strictly adhered to.

PART 2
Quantification of Annual Water
Requirements

The following procedures shall be used to quantify the maximum allowable subdivision water use per year, for all subdivisions:

- A) The maximum annual water requirement for both indoor and outdoor purposes, for each parcel in a residential subdivision shall be Calculated as shown on Attachment B of these regulations. The total annual water requirement for the subdivision in acre-feet per year, is computed by multiplying the number of parcels by the calculated quantity as shown in attachment b. Subdividers who apply this procedure shall limit the maximum area of irrigated landscape on any one parcel to 1,600 square feet or less, and prohibit swimming pools and other outdoor water features.
- B) The subdivider, may at his option, or if required by the county, prepare a detailed water demand analysis using the step by step computational procedure presented in relevant State Engineer Technical Report.
- C) 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.

PART 3
Final Plat Approval Requirements

- A) For all subdivisions containing 20 or more parcels any one of which is two or less acres in size proof of a valid water right permit issued by the State Engineer pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the maximum annual water requirement of the proposed subdivision and authorized for this purpose, shall be provided by the subdivider as a condition of approval of the final subdivision plat.

PART 4
Community Water System Requirements

- A) A community water system is any existing or proposed water supply system which relies upon surface and/or groundwater diversions other than wells permitted by the state engineer under Section 72-12-1 NMSA, and which consists of a common storage and/or distribution facilities operated for the delivery of water to multiple service connections.
- B) A community water system shall be required for all subdivisions where any one of the following criteria are met:
- (1) The subdivision will contain 20 or more parcels, any of which is equal to or less than 2 acres.
 - (2) For all subdivisions containing 19 or less parcels, or subdivisions containing 20 or more parcels in which the minimum parcel size is greater than 2 acres, where groundwater would be supplied from geologic formations where wells have been determined to produce at a rate of three (3) gallons per minute or less, or where available information suggests the likelihood of low yielding wells. In lieu of a community water system, individual or shared wells may be drilled by the developer, provided that it can be demonstrated that production can be sustained at rates greater than three (3) gallons per minute and is adequate to meet the maximum annual water requirements of all parcels.
- C) If water will be supplied from a community water system, the subdivider shall submit a plat of the proposed subdivision, and preliminary plans for the water production, storage, and distribution facilities prepared by or under the supervision of a registered professional engineer. The site plans shall show the topography, parcel boundaries, streets, wells, and water storage and distribution system, including hydrants. The size or capacity of the water system components should also be indicated on the site plans. Preliminary well plans shall include casing diameter, total depth, screened interval, and proposed pump setting. All distribution mains shall be a minimum of six (6) inches in diameter.
- D) Shared well systems, permitted under Section 72-12-1 NMSA, may be allowed subject to Subsection B, under the condition that the maximum number of parcels served by one well shall not exceed six (6) parcels.
- E) Covenants and land use restrictions shall be adopted strictly prohibiting the drilling or use of individual and/or shared

domestic wells for any subdivision which requires or utilizes a community water system .

- F) 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.

PART 5

Water Availability Assessment for
All Type-one, Type-two, and Type-four Subdivisions, and All Type-
three and Type-five Subdivisions Containing Six or More Parcels

- A) A water availability assessment shall be submitted by the subdivider:
- (1) as a condition of preliminary subdivision plat approval for all type-one, type -two, and type-four subdivisions, and type-three subdivisions containing six or more parcels.
 - (2) as a condition of final subdivision plat approval for type-five subdivisions containing six or more parcels.
- B) The requirements of the water availability assessment are dependent on the source of water supply such that:
- (1) For subdivisions where the source of water will be a new groundwater diversion and community system permitted pursuant to Section 72-12-3 or 72-12-7 NMSA 1978, the subdivider shall demonstrate a forty year supply, and shall submit a geohydrologic report in accordance with Subsection C.
 - (2) For subdivisions where the source of supply will be a new surface water diversion and community system permitted pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, the subdivider shall submit a hydrologic report in accordance with Subsection D.
 - (3) For subdivisions where the source of supply will be an existing community or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-1, or 72-12-3, the subdivider shall submit a water utility plan in accordance with Subsection E .
 - (4) For subdivisions where the source of water will be individual domestic wells, or shared wells permitted pursuant to Section 72-12-1, the subdivider shall demonstrate a forty year supply and shall submit a geohydrologic report in accordance with Subsection F.
- C) For new community wells and water systems, the subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements:
- (1) Geohydrologic reports shall demonstrate that groundwater

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 forty (40) years.

- (2) The subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on nearby wells. Alternately, tests can be conducted on nearby off-site wells if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.
- (3) The assessment shall include a calculated Forty (40) year schedule of effects on the proposed subdivision's production well(s) which may result from existing demands and from the increase of groundwater withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C(4). Predicted drawdowns shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses.
- (4) The subdivider shall calculate the lowest practical pumping water level in the proposed subdivision pumping wells by any of the following methods as appropriate, provided there shall be no presumption made as to additional available water below the bottom of the proposed production well, and further provided that the total available drawdown shall be reduced by a factor of twenty (20) percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:

- a) By using the results of acceptable on-site aquifer pump tests. The lowest allowable pumping level may be the lowest water level reached during the test.
 - b) By setting the level at the top of the uppermost screened interval.
 - c) In wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.
 - d) In wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to 70% of the initial water column.
- (5) The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps and cross-sections shall be included.
- D) For new surface water diversions and community water systems using surface water the subdivider shall submit a hydrologic report which meets the following requirements:
- (1) The hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the subdivision is physically available. These analyses shall include the following:
 - a) Narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to groundwater diversion, analyses of relevant historical runoff records, and projected water supply available for the subdivision requirements.

Applicable legal or water rights constraints on water availability shall be considered.

- b) If the analysis of the historical runoff record indicates possible shortages in the projected water supply available for the subdivision requirements the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
 - c) If a supplemental groundwater supply is proposed, the subdivider shall prepare a geohydrologic assessment in accordance with Subsection C.
- E) For community water systems in which existing utility companies are proposed as the source of water supply the subdivider shall submit a water supply plan which meets the following requirements:
- (1) For all water utilities:
 - a) Name of the utility proposed as the source of supply. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least forty (40) years. The letter must also state any requirement for the subdivider to provide water rights.
 - b) Any other information, including any or all of the requirements of subsections C or D, required by the board of county commissioners to make a determination that the utility has the capability to meet the water requirements of the proposed subdivision.
 - (2) For water utilities other than municipal owned water utilities:
 - a) Documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the proposed subdivision for a period no less than forty years.
 - b) For New Mexico Public Utilities Commission (PUC) certificated utilities, a copy of the most recent annual report submitted to the PUC.

- c) Plans for the existing water system to which the proposed system will tie into. The plans shall show diversion point locations, and water storage and distribution system. The size or capacity of the water system components should also be indicated on the plans.
- F) For subdivisions where the source of water will be individual domestic wells, or shared wells, permitted under Section 72-12-1 NMSA, the subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements:
- (1) A geohydrologic report conforming to the requirements of Subsections C(1) through C(5).
 - (2) The geohydrologic report shall also include a calculated forty (40) year schedule of off-site effects (drawdowns) and an evaluation of stream depletion effects (if applicable) which may result from the increase of groundwater withdrawals for the subdivision. These calculations shall include estimates of future water uses. The report shall identify by ownership and location all existing wells which will either go dry, experience dewatering of thirty (30) percent of their water column or more, or experience an average annual rate of water decline of one (1) foot or more as a consequence of the proposed subdivision's groundwater diversions. The report shall also identify by name and location all springs, streams, acequias (ditches), canals, and drains, the flows of which will be diminished by the proposed surface or groundwater diversions. All natural or man-made ponds, lakes, reservoirs, or wetlands that will be impacted shall also be identified.

PART 6
Water Availability Assessment
for
Type-three and Type-five Subdivisions Containing Less Than Six
Parcels

- A) 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:
- (1) Name of the utility proposed as the source of supply.
 - (2) Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision.
- B) 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:
- (1) At least one well log from an on-site well or from an existing nearby well completed in geologic conditions representative of the conditions within the proposed subdivision.
 - (2) A description of the water bearing formation including a statement of the maximum and minimum depths to water in the subdivision and the basis for these statements.
 - (3) A statement of the estimated yield of wells in gallons per minute based upon well logs from existing nearby wells.
 - (4) Any additional information which is required by the board of county commissioners that will enable it to determine whether or not the subdivider can fulfill the proposals contained in his disclosure statement.
- C) If the subdivider proposes to provide new wells or surface diversion for a community water system, the requirements of Part 4, Subsection C or D, whichever is applicable, shall apply.
- D) Any further subdivision of the parcels sold, leased, or retained by the subdivider shall meet the relevant requirements of Part 4.

PART 7
Fire Protection

A) Requirement for Provision of Fire Protection

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

B) Standards for Fire Protection

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

- (1) The required storage for fire protection shall equal 60,000 gallons or other required minimum specified by ISO. Amounts deliverable by tanker, as estimated by the local fire authority may be included in the fire protection plan, but shall not be credited towards the ISO storage requirement.
- (2) The fire protection system shall be capable of delivering a minimum of 500 gallons per minute to the fire at a residual pressure of 20 pounds per square inch or as required by ISO.
- (3) 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.
- (4) Fire protection requirements may be waived or modified by the board of county commissioners subject to review of the subdivider's request by the fire authority having jurisdiction. The subdivider shall provide a letter to the board of county commissioners from the fire authority having jurisdiction with their comments on the waiver request.

C) Fire Protection Plan

- (1) A fire protection plan shall be a condition of preliminary plat approval for all non-residential subdivisions and subdivisions with community water

systems, or of final plat approval for summary review subdivisions with community water systems.

- (2) For all subdivisions with fire protection, the subdivider shall submit a plat of the proposed subdivision, preliminary plans of the proposed water supply, storage and distribution system, and calculations demonstrating that the proposed fire protection facilities will meet the requirements of these guidelines, prepared by or under the supervision of a registered professional engineer.
- (3) For all subdivisions to be supplied by existing utilities, the letter of intent from the utility to provide water shall specify fire flows and pressures which will be provided and fire flow storage which may be apportioned to the subdivision.
- (4) If fire fighting services are available, the subdivider shall provide a letter from the local fire authority having jurisdiction which states:
 - a) Rate in gallons per minute that water may be delivered to the fire by tanker service from the fire authority, if applicable, and
 - b) distance and anticipated time of travel to the fire.

PART 8
Disclosure Authority

Refer to APPENDIX G-1 and G-2 for information on the Disclosure Statement.

Attachment A of APPENDIX E

WATER QUANTIFICATION, AVAILABILITY AND CONSERVATION

PURPOSE

The purpose of this document is to provide guidelines for the preparation and review of subdivision water supply proposals and associated water right applications. Criteria upon which an evaluation of such proposals may be made by the reviewing authority are presented for Water Conservation Measures, Water Demand Analysis, Design Requirements for Community Water Distribution Systems, and Water Right Requirements and Limitations.

Statutory Responsibilities of County Commissions

Section 47-6-9(A) requires that County Commissions adopt regulations setting forth the County's requirements for:

1. water conservation measures;
2. quantifying and maximum annual water requirements of subdivisions, including water for indoor and outdoor uses;
3. assessing water availability to meet the maximum water requirements of subdivisions; and
4. water of an acceptable quality for human consumption and for protecting the water supply from contamination.

Section 47-6-9(E) states that nothing in the New Mexico Subdivision Act shall be construed to limit the authority of counties to adopt subdivision regulations with requirements that are more stringent than the requirements set forth in the Subdivision Act, provided the County has adopted a comprehensive plan in accordance with Section 3-21-5 NMSA 1978 and those regulations are consistent with such plan.

Section 47-6-11(C) requires the County Commission to:

1. determine whether the subdivider can fulfill the proposals in his disclosure statement required by Section 47-6-17; and
2. determine whether the subdivision will conform with the New Mexico Subdivision Act and the County's subdivision regulations.

Statutory Responsibilities of the State Engineer Office

Section 47-6-10(A) requires that prior to adopting, amending or repealing any regulation, the County Commission shall consult with representatives of the State Engineer Office to give consideration to the conditions peculiar to the county and submit written guidelines to the County Commission for its consideration in formulating regulations governing subdivision water supply requirements.

Section 47-6-11(F)(1) requires that for preliminary plat approval of Type-One, Type-Two, Type-Three (except for those with 5 or less parcels - these are subject to summary review procedures), and Type-Four subdivisions, County Commissions request an opinion from the State Engineer to determine:

- a. whether 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; and
- b. whether the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality.

Prior to final plat approval of Type-Three subdivisions with 5 or less parcels, and Type-Five subdivisions, County Commissions may request an opinion from the State Engineer, however, this is not specifically required by the Subdivision Act.

Section 47-6-20(A) states that any public agency receiving a request from the County Commission for an opinion pursuant to Section 47-6-11 shall provide the Commission with the requested opinion within the time period set forth in Section 47-6-22(A). The County Commission shall provide the appropriate public agency with all relevant information that the Commission has received from the subdivider on the subject for which the Commission is seeking an opinion. If the public agency does not have sufficient information upon which to base an opinion, the public agency shall notify the Commission.

Section 47-6-20(B) states that all opinion requests mailed by the County Commissions shall be by certified mail return receipt requested. County Commissions delivering opinion requests shall obtain receipts showing the day the opinion request was received by the particular public agency.

Section 47-6-11(H) states that if in the opinion of the

appropriate public agency, a subdivider cannot fulfill the requirements of Section 47-6-11(F), or if the agency does not have sufficient information upon which to base an opinion:

1. the County Commission shall give the subdivider a copy of the opinion;
2. the subdivider shall be given 30 days from the date of notification, to submit additional information to the public agency through the County Commission; and
3. the public agency shall have 30 days from the date the subdivider submits additional information to change its opinion, or issue an opinion if none was previously offered due to insufficient information. Where the 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.

Contents of Disclosure Statement

Section 47-6-17(B) requires that the disclosure statement for subdivisions with not fewer than 5 and not more than 100 parcels include;

1. a statement describing the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and describing the availability of water to meet the maximum annual water requirements;
2. a statement describing the quality of water in the subdivision available for human consumption;
3. a description of the means of water delivery within the subdivision; and
4. the average depth of water within the subdivision if water is available only from subterranean sources.

Section 47-6-17(C) requires that the disclosure statement for subdivisions with 100 or more parcels shall contain all of the information required in Section 47-6-17(B).

REQUIRED CONTENTS OF SUBDIVISION PROPOSALS

Except for those subdivisions which are subject to summary review procedures, a subdivision proposal should generally include the following documents:

- (1) Executive Summary, including:
 - (a) location by township, range, and sections, or land grant, and proximity to existing communities and transportation routes
 - (b) number of lots; minimum, maximum, and average lot size; total acreage in each phase of development; projected time frame for project completion
 - (c) type of dwellings to be constructed, e.g. single family detached, or multi-family including apartments, condominiums, and townhouses
 - (d) overview of community facilities that will be provided
 - (e) a paragraph summary for each of Items (3)-(11) which follow
- (2) Disclosure Statement
- (3) Land and Water Use Covenants and Restrictions, including water conservation measures
- (4) Water Supply Plan, including, if appropriate:
 - (a) water demand analysis
 - (b) preliminary engineering plans
 - (c) letter from water purveyor
 - (d) proof of an existing water right
- (5) Water Availability Assessment, including, if appropriate:
 - (a) well records, including drilling logs
 - (b) history of observed water levels and well yields
 - (c) aquifer pump test data, including drawdown and recovery tables
 - (d) description and results of computer models

- (6) Water Quality Analysis, including results from laboratory analysis of primary and secondary contaminants
- (7) Fire Protection Plan, including, if appropriate, letter from the local fire authority having jurisdiction
- (8) Liquid Waste Disposal Plan, including, if appropriate, letter from wastewater utility
- (9) Solid Waste Disposal Plan, including if appropriate, letter from sanitation utility
- (10) Terrain Management Plan, including:
 - (a) soil survey and land use limitations
 - (b) grading plan
 - (c) flood plain management plan
 - (d) drainage plan
 - (e) erosion control plan
 - (f) landscaping and revegetation plan
- (11) Transportation Plan, including, if appropriate:
 - (a) traffic impact analysis
 - (b) specifications for road construction
 - (c) specifications for lighting, signage, speed limits, and traffic control signals
 - (d) letters from appropriate transportation authorities
- (12) Vicinity map showing location and boundaries of the subdivision relative to existing communities, transportation routes, and natural features
- (13) Site plan (plat) showing lot envelopes and location of wells if a community water system is proposed

The State Engineer Office is responsible for reviewing Items (1)-(5) and (7). Items (6), (8) and (9) are reviewed by the New Mexico Environment Department. Item (10) is reviewed by the local Soil and Water Conservation District Office; and Item (11) is reviewed by the New Mexico Highway and Transportation Department.

WATER CONSERVATION MEASURES

Water conservation is defined as any beneficial reduction in water use or water losses. Water waste may be defined as the indiscriminate, unreasonable, or excessive running or dissipation of potable water; and non-essential water use may be defined as the indiscriminate, or excessive dissipation of potable water which is unproductive, or does not reasonably sustain economic benefits or life forms.

The purpose of this section is to implement practical water conservation criteria for the design of subdivisions. These criteria will be applied to single-family homes, apartments, condominiums, townhouses, and mobile home parks.

Indoor Plumbing Fixtures

Toilets - The National Energy Policy Act of 1992 (NEPA) now requires that toilets manufactured after January 1, 1994 for dwelling units, use no more than 1.6 gallons per flush gpf. The average family of four, flushes 16 to 28 times per day; and 6 flushes per capita per day is a reasonable assumption for estimating water use.

Showerheads - The NEPA now requires that the maximum flow rate of showerheads shall not exceed 2.5 gpm.

Faucets - NEPA now requires that the maximum flow rate of kitchen and bathroom faucets shall not exceed 2.5 gpm, and 2.0 gpm faucets are recommended for bathroom sinks.

Insulated Hot Water Pipes - Hot water pipes shall be insulated to reduce water wasted while users wait for the flow of hot water at the tap.

Appliances

Air Conditioners - To conserve water, evaporative coolers that recirculate bleed-off water, or refrigerated air conditioning systems, which require no water, should be installed in new construction; and bleed-off water from evaporative coolers without recirculation can be used for landscape irrigation.

Dishwashers - To conserve water, low-water use dishwashers which require no more than 13 gallons in the regular cycle, and have a cycle adjustment which reduces the water used for small loads, should be installed in new construction.

Washing Machines - To conserve water, low-water use washing machines which require no more than 43 gallons in the regular cycle and 53 gallons in the permanent-press cycle have a cycle or water-level adjustment which reduces the water used for small loads, should be installed in new constructions.

WATER DEMAND ANALYSIS

Classification of Water Systems

Individual Domestic Well - Under Section 72-12-1 NMSA 1978, groundwater is diverted from one domestic well to serve one residential connection, which may be a single-family dwelling, or a multi-family dwelling, must be metered. Each lot purchaser is usually responsible for drilling their own well, installing a pump, pressure tank, and water line, and maintaining the system. The annual diversion from the well is limited to 3 acre-feet in any year.

Shared Well - Section 72-12-1 NMSA 1978 - Groundwater diverted from one domestic well to serve at least two (2) residential connections. The subdivider may drill the well that will serve each cluster of homes, install the pump and pressure tank, and water distribution line to the perimeter of each lot. Lot purchasers are generally responsible for installing a water service line from the distribution line to the home they build. Land and water use covenants and restrictions prepared by the subdivider will stipulate that lot purchasers in each cluster of homes will be entitled to use an equitable portion of the permitted water right associated with each well; and lot purchasers will be responsible for the assessment and collection of fees, and the operation and maintenance of the water system. A water meter is required at the wellhead, and the annual diversion from each well is limited to three (3) acre-feet or less in any year.

Community Water System - Includes any existing or proposed water supply system which relies upon surface and/or groundwater diversions other than wells permitted by the State Engineer Office under Section 72-12-1 NMSA 1978, and which consists of common storage and/or distribution facilities operated for the delivery of water to multiple service connections. All diversions must be metered at the source, and it is recommended that each service connection be metered. The annual diversion must not exceed the water right.

Community Water System

To evaluate the ability of a subdivider to provide water sufficient in quantity to satisfy all water uses in a subdivision from a community water system, it is first necessary to quantify the maximum annual water requirements for indoor domestic uses including water for evaporative cooling and water softening, landscape irrigation, fire fighting, and other uses including distribution system losses. For subdivisions that will be developed in phases, it is important that the water production and delivery capacity be adequate to meet the water demand at full development. Inadequate design capacity may result in shortages in water deliveries. The maximum annual water requirement for the subdivision is computed using the following procedure.

Step 1: Determine a reasonable occupancy rate for the proposed dwelling units. Review housing and population data published by the U.S. Department of Commerce, Bureau of the Census, for San Miguel County and Local under study.; also contact local water utilities to obtain data for similar residential customers. Data obtained from these sources may be used as a general guide. The occupancy rate used for the design of a new subdivision should reflect a margin of safety to avoid underestimating the water demand. U.S. Census Bureau data indicate that the average occupancy rate per dwelling unit is 2.7 capita. For design purposes, a minimum occupancy rate of 3.0 capita is assumed; however, a higher rate (3.1-5.0), may be more appropriate for some residential developments. A lower occupancy rate may be appropriate for developments such as retirement communities provided that there is a reasonable assurance that the lower occupancy rate will continue in the future.

Step 2: Compute total indoor water requirements for each dwelling unit. For dwelling units with water conserving plumbing fixtures and appliances, assume a water requirement of 60 gallons per capita per day (gpcd) for normal household purposes such as drinking, food preparation, bathing, flushing toilets, washing clothes and dishes, and cleaning (See Table 1 which follows for a breakdown of this figure). Water requirements for evaporative cooling may be computed using the procedure presented in Appendix B which takes into consideration the volume of indoor living space, air flow requirements, design dry and wet bulb temperatures, and the annual number of cooling hours. In lieu of using this procedure, water requirements for evaporative cooling in New Mexico may be estimated at 20 gpcd. Water requirements for

water softener backwash and regeneration will depend on the total hardness of the water, daily water use, and the frequency of regenerations, but may be estimated at 5 gpcd. On the basis of this criteria, the total indoor water use for a dwelling unit equipped with an evaporative cooler and water softener would be 85 gpcd. The total indoor water requirement (W_1), expressed in gallons per year for each dwelling unit, is computed using Equation (1).

$$W_1 = (\text{CPU}) (\text{GPCD}) (365 \text{ days/yr}) \quad (\text{Eq.1})$$

CPU is the number of capita per dwelling unit; and GPCD is gallons per capita per day.

Table 1. Indoor water use in single and multi-family dwelling units with water conserving plumbing fixtures and appliances, in gallons per capita per day (gpcd). The prototype for this table is based on data published in a report prepared by Brown and Caldwell (1984) for the U.S. Department of Housing and Urban Development, Washington, DC.

Item and Assumptions	GPCD
Toilets (1.6 gal/flush x 6 flush/capita day)	9.6
Toilet leakage (0.17 x 24 gal/capita day)	4.1
Showers (2.5 gpm x 4.8 minute)	12.0
Baths (50 gal/bath x .14 bath/capita day)	7.0
Faucets (Estimated)	9.0
Dishwasher (13 gal/load x .17 load/capita day)	2.2
Washing machine (50 gal/load x .30 load/capita day)	15.0
Subtotal	58.9
Evaporative cooling	20.0
Water softening	5.0
Total	83.9

Step 3: Compute landscape irrigation water requirements for each dwelling unit. The maximum irrigated area on each lot and restrictions on the type of turfgrass should be stipulated in the land and water use covenants and restrictions. Irrigation water requirements expressed in gallons per square foot per year for Kentucky bluegrass, Bermuda grass, Buffalo

grass, ornamental trees and shrubs, and herb and vegetable gardens for selected locations in New Mexico counties are provided herein:

Landscape irrigation water requirements in a normal weather year (1951-80), in gallons per square foot per year, for flood and sprinkler irrigation assuming an application efficiency of 50%, and drip irrigation assuming an efficiency of 85%, in selected locations in New Mexico. (Prepared by Brian C. Wilson, P.E., and Anthony Lucero, 1995)							
Locale	Flood or Sprinkler Irrigation					Drip Irrigation	
	KYBL	BERM	BUFF	TREE	HORT	TREE	HORT
San Miguel Co. EAST	45.72	32.92	21.27	22.89	20.53	13.46	12.08
San Miguel Co. CENTRAL	28.12	19.30	11.17	12.22	11.23	7.19	6.61
San Miguel Co. NORTH	26.62	17.80	9.72	11.06	10.66	6.50	6.27

Key: KYBL-Kentucky bluegrass; BERM-Bermuda grass; BUFF-Buffalo grass; TREE-Trees and shrubs; HORT-Horticultural plants, e.g., herb and vegetable gardens

NOTE: For the purpose of computing irrigation water requirements for each dwelling unit three separate locales of the County have been developed. San Miguel County East refers to all lands east of the escarpment which is east of the community of Trujillo. San Miguel County Central is the plateau west of the escarpment to the foothills of the Sangre De Cristo Mountain Range. The Interstate 25 is the physical boundary that separates San Miguel County Central and San Miguel County North. (See Map below.)

Consumptive irrigation water requirements were computed by staff in the New Mexico State Engineer Office using the Original Blaney-Criddle Method and 30-year temperature and precipitation normals for the 1951-80 period of record. Dividing the consumptive irrigation requirements by an application efficiency of 50% for flood and sprinkler irrigation, and 85% for drip, yielded the water requirements shown in the above table. The sprinkler irrigation efficiency reflects a worst-case condition where the application rate, frequency of irrigation, and overthrow of sprinkler spray onto sidewalks, driveways, other paved surfaces, and structures, is poorly controlled.

The total irrigation water requirement (W_2), in gallons per year, for each dwelling unit, is computed using Equation (2).

$$W_2 = A_1 I_1 + A_2 I_2 + A_3 I_3 + A_4 I_4 + A_5 I_5 \quad (\text{Eq. 2})$$

where A_1 , A_2 , and A_3 , are the areas in square feet of (1) turfgrass, (2) trees and shrubs, and (3) herb and vegetable gardens, that are irrigated by flood or sprinklers on one lot; and I_1 , I_2 , and I_3 are the corresponding flood or sprinkler application requirements in gallons per square foot per year which are obtained from the table above; A_4 and A_5 are the areas in square feet of (4) trees and shrubs, and (5) herb and vegetable gardens, that are irrigated by drip; and I_4 and I_5 are the corresponding drip application requirements in gallons per square foot per year.

Step 4: Compute water requirements for ornamental ponds, water gardens, and swimming pools, for each dwelling unit. The calculation of these water requirements includes; volume of pool, number of times pool is completely drained and refilled in one calendar year, surface area, net evaporation rate, and makeup water for evaporation losses. Each dwelling unit will not necessarily have any recreational water facilities; and in regions that experience cold winters, small water bodies may be iced over for several months. These factors should be taken into consideration in the calculation. The total water requirement for these recreational water facilities (W_3), in gallons per year, for each dwelling unit, is computed using Equation (3).

$$W_3 = (\text{NPU}) / (\text{NDU}) [(\text{NR}) (\text{V}) + (\text{SA}) (\text{ENR}) (7.48 \text{ gal/ft}^3)] \quad (\text{Eq. 3})$$

where NPU is the number of pool units; NDU is the number of dwelling units; SA is the average surface area of the pool in square feet; ENR is the net evaporation rate in feet per year; NR is the number of complete refills in one calendar year; and

V is the volume of the pool in gallons.

If pan evaporation data is available for the area under study, the gross evaporation for a small water body may be computed by multiplying the pan evaporation by a coefficient of 0.85. The annual gross evaporation may also be estimated by reading values from isopleths drawn on maps prepared by the U.S. Natural Resources Conservation Service (formerly the U.S. Soil Conservation Service) and other agencies. The isopleths normally represent annual evaporation from a large water body such as a lake or reservoir. Since small water bodies have a higher evaporation rate, the value taken from the isopleth should be divided by 0.70 to yield the pan evaporation; multiplying the pan evaporation by 0.85 will yield the gross evaporation for a small water body. The normal annual rainfall may be obtained from long-term weather data (e.g. 30-year normals) published by the National Oceanic and Atmospheric Administration or by reading values from isopleths on precipitation maps. Subtracting the rainfall (R) from the gross evaporation rate (EGR) yields the net evaporation rate (ENR+EGR-R).

Step 5: Compute the total maximum allowable water use for each dwelling unit.

$$W_4 = (W_1 + W_2 + W_3) \quad (\text{Eq. 4}).$$

Step 6: Compute the total maximum allowable water use for all dwelling units.

$$W_5 = (\text{NDU}) (W_4) \quad (\text{Eq. 5}).$$

Step 7: Compute fire fighting water requirements. Water requirements for fire suppression have a significant impact on sizing the distribution system components, including water lines, appurtenances, and storage facilities. The ideal way to develop a fire suppression system is to construct a distribution system that will serve the short and long-range development of the service area so that fire protection will be adequate at full development. Needed fire flow (NFF) is defined as the rate of water flow at a residual pressure of 20 pounds per square inch (psi) and for a specified duration, that is necessary to control a major fire in a specific structure (American Water Works Association, 1989, pp. 1-2). Assuming one structural fire in the subdivision per year, the total water requirement for fire suppression (W_6), in gallons per year, is computed using Equation (6):

$$W_6 = (\text{NFF}) (T) \quad (\text{Eq. 6})$$

where NFF is the needed fire flow in gpm; and T is the duration in minutes.

Needed fire flows can be easily calculated using the Insurance Services Office (ISO) methodology which is widely accepted throughout the United States. The ISO is a nonprofit association of insurance companies which provides statistical, actuarial, and survey information for numerous affiliated insurance companies; it compiles data that are used to establish rates for fire protection policies for both residential and commercial properties; and it sets standards for public fire protection systems to minimize the loss of life and property.

For one-and two-family dwellings not exceeding two stories in height, and NFF shown in Table 3 should be used assuming a minimum duration of two hours (120 minutes). For other habitable buildings such as apartments, condominiums, and townhouses, the procedure for fire suppression will be those that are used by the Insurance Services Office (ISO).

Distance Between Buildings (ft)	Needed Fire Flow (gpm)
Over 100	500
31-100	750
11-30	1000
Less than 11	1500

Step 8. Compute the maximum annual water requirement for the subdivision. Distribution system losses in small water systems typically range from 5-10% of the total withdrawal (American Water Works Association, 1993, p. 2-4; Prasifka, 1988, p. 50). For design purposes, 5% losses may be assumed for subdivisions with less than 50 homes; and 10% losses for subdivisions with more than 50 homes. Distribution system losses do not apply to water requirements for fire fighting because of the short duration (typically 2 hours) of this water demand. The maximum annual water requirement (W_7) in gallons per year, for all purposes in a subdivision, is computed using Equation (7).

$$W_7 = [(W_5) / E_c] + W_6 \quad (\text{Eq. 7})$$

where E_c is the conveyance efficiency of the distribution system expressed as a decimal. For subdivisions with less than 50 homes, E_c is 0.95; and for more than 50 homes E_c is 0.90.

Water requirements for other uses such as guest houses, day care centers, dormitories, cafeterias, health spas, parks, greenbelts, playing fields, golf courses, and other community facilities; and livestock watering, should be estimated separately using the same concepts presented in the procedure in this section. These water requirements are subject to the application of the conveyance efficiency factor, E_c , and should be included in the estimate of the maximum annual water requirement, (W_7).

Example Calculation of Maximum Allowable Subdivision Water Use

The application of the method to estimate water demands and maximum allowable subdivision water use is illustrated for hypothetical subdivisions in San Miguel County as follows:

1. Indoor water use, normal household purposes;
San Miguel County Central (3 occupants, with evaporative cooler and water softener):
85 gpcd
93,075 gallons per year
(0.29 acre-feet per year)
2. Landscape water use, per dwelling unit. Landscape water use for 1,600 square feet of sprinkler irrigated Kentucky bluegrass will vary from:
San Miguel County Central:
48,200 gallons per year
(0.14 acre-feet per year)
3. Other outdoor water use, per dwelling unit
None
4. Total maximum water use per dwelling unit, exclusive of fire flow requirements.
San Miguel County Central:
138,067 gallons per year
(0.43 acre-feet per year)
5. Total maximum allowable water use for all dwelling units, assuming 20 homes.
San Miguel County Central

2,761,340 gallons per year
(8.47 acre-feet per year)

6. Water demands for other water uses, such as guest houses, day care centers, dormitories, cafeterias, health spas; parks, greenbelts, playing fields and golf courses; and livestock watering, shall be estimated separately. For this example, these are assumed to equal
0 gallons
7. Water demands for fire fighting, assuming NFF is 500 gallons per minute for 120 minutes
60,000 gallons
8. Total maximum allowable subdivision water use for the 20 dwelling units assumed in this example is the sum of Items (5) and (6) divided by an assumed conveyance efficiency of 0.95 plus Item (7).
San Miguel County Central
2,821,340 gallons per year
(8.66 acre-feet per year)

Shared Well

Water requirements for small clusters of homes (generally 6 or less) which are served by a shared well may be computed using the same procedure outlined for Community Water Systems. For small subdivisions, water requirements for fire suppression may not be necessary if a fire department located within close proximity will provide emergency service and can do so in a timely manner. In addition, distribution system losses may be considered negligible for design purposes. Because the total diversion from a domestic well that serves a cluster of homes cannot exceed 3 acre-feet in any calendar year, the question which may need to be answered is how much water will be available to each lot owner for landscape irrigation and other outdoor water uses (Section 72-12-1). To make this determination, the following procedure is used.

Step 1: Determine a reasonable occupancy rate for the proposed dwelling units.

Step 2: Compute total indoor water requirements (W8), in gallons per year, for the dwelling units using Equation (8).

$$W_8 = (NDU) (CPU) (GPCD) (365 \text{ days/yr}) \quad (\text{Eq. 8})$$

Step 3: Compute the amount of water (W9), in gallons per year, that could be used for landscape irrigation on each lot using

Equation (9). The diversion from each well which serves a cluster of homes cannot exceed 3 acre-feet per year, or 977,553 gallons per year.

$$W_g = (977,553 \text{ gal/yr} - W_g) / (\text{NDU}) \quad (\text{Eq. 9})$$

Step 4: Compute the maximum area, in square feet, that can be used by a lot owner for landscape irrigation using Equation (10).

$$A_s = (W_g / I) \quad (\text{Eq. 10})$$

where A_s is the area in square feet that is irrigated by flood or sprinklers on one lot; and I is the flood or sprinkler application requirement in gallons per square foot per year for a specific type of vegetation and locale shown in Table 2. The higher the value of I , the smaller the area which can be irrigated; and conversely, the lower the value of I , the greater the area which can be irrigated. Using the I for Kentucky bluegrass, which has the highest water requirement, will result in the smallest area that can be irrigated with the amount of water available.

Step 5: Compute the maximum area, in square feet, that can be used for landscape irrigation using the procedures presented earlier computing limitations on maximum allowable subdivision water use.

Step 6: The maximum allowable area, in square feet, that can be used for landscape irrigation is the lesser of the areas computed using Steps 4 or 5 above.

Methods for Limiting Maximum Allowable Subdivision Water Use

Water use in the proposed subdivision should be limited to the maximum allowable subdivision water use, either by regulating metered water deliveries or by limiting outdoor water use. Enforcement will be by county regulation, if applicable, or by land and water use covenants. In cases where subdivision water supplies will be provided from new appropriations of groundwater or individual domestic wells within declared underground water basins, and provided that statutory criteria are met, the water right permit may be issued by the State Engineer in an amount not to exceed the maximum allowable subdivision water use approved for the subdivision. SEO recommended guidelines permit the subdivider and County to specify methods of ensuring compliance with the maximum allowable subdivision water use. There are three options for limiting the maximum annual water use of a subdivision which may be considered by the County and the subdivider.

Method A: Water supplies to the subdivision and to each dwelling unit limited only by metered water deliveries. Under Method A, the total amount of water provided to each lot in the subdivision in any year would be limited to the total maximum water use, as computed in the previous section. Each lot purchaser would be allowed to use water for whatever purpose he chooses within the permitted amount, including any distribution of outdoor landscaping and, possibly, pools or ornamental water bodies. Other than the limitation on water use, covenants would not be required.

Method B: Water supplies to the subdivision and to each dwelling unit limited by the adoption of a standard water conservative land scape covenant for the subdivision, or as may be adopted by the County. The maximum irrigated area on each lot (e.g., 1,600 square feet for single family detached dwellings) and restrictions on the type of turfgrass and other types of vegetation must be included in the water demand analysis, and stipulated in the disclosure statement and in the land and water use covenants and restrictions.

Method C: Recommended allowable subdivision water use based on an allocation meeting water conservation criteria with detailed design provisions regarding landscape water use and detailed restrictive covenants. Under Method C, the subdivider would submit a detailed landscape plan (generally from a landscape architect) including area designations for plant groups with similar light and water requirements, layout of irrigation system, and calculation of irrigation water requirements. Components of such use would be calculated by the subdivider based on the SEO tables of irrigation water requirements. The maximum irrigated area on each lot and restrictions on the type of turfgrass and other types of vegetation must be included in the water demand analysis, and stipulated in the disclosure statement and in the land and water use covenants and restrictions. Such designs may result in a lower demand for water than the SEO recommended maximum allowable, and are generally intended to make the maximum possible beneficial use of a limited supply.

DESIGN REQUIREMENTS FOR COMMUNITY WATER DISTRIBUTION SYSTEMS

The water distribution system internal to the development shall be sized to meet both the initial and future demands for the proposed development. Oversizing for future extensions may be required. In constructing the internal water distribution system, the following design provisions are recommended.

Design Flow

A water utility must continue to serve its customers during a fire. The Insurance Services Office recommends that the fire suppression system be able to operate with the remainder of the potable water system operating at the maximum daily rate (Lindeburg, 1986, p. 7-16). Therefore, the distribution system shall be sized for maximum daily demand plus the fire flow requirement, or, maximum hourly demands, whichever is greater (American Water Works Association, 1989, p. 16).

Average Day Demand.

The average of the total amount of water used each day during a 1-year period. The average daily demand (Q_{AD}) in gallons per day (gpd) and in gallons per minute (gpm) is computed using Equation (11a) and Equation (11b) respectively.

$$Q_{AD} \text{ in gpd} = (W_5) / (365 \text{ days/yr}) \quad (\text{Eq.11a})$$

$$Q_{AD} \text{ in gpm} = (W_5 / 525,600 \text{ min/yr}) \quad (\text{Eq.11b})$$

Maximum Day Demand. The maximum total amount of water used during any 24 hour period in a 3-year period. Maximum daily demand (Q_{MD}) is typically 1.5-2.0 times average daily demand (Lindeburg, 1986, p. 7-17); and for design purposes, shall not be less than 1.5 times the average daily demand. It is important that the multiplier used is justified by the registered professional engineer designing the water supply system. The maximum daily demand (Q_{MD}) in gpd and gpm is computed using Equation (12a) and Equation (12b) respectively.

$$Q_{MD} \text{ in gpd} = (F_{MD}) (Q_{AD} \text{ in gpd}) \quad (\text{Eq.12a})$$

$$Q_{MD} \text{ in gpm} = (F_{MD}) (Q_{AD} \text{ in gpm}) \quad (\text{Eq.12b})$$

where F_{MD} is the demand multiplier for the maximum daily demand.

Maximum Hour Demand. The maximum amount of water used in any single hour, of any day, in a 3-year period. Maximum hourly demand (Q_{MH}) is typically 2.0-6.0 times average daily demand; and for design purposes, shall not be less than 2.0 times the average daily demand. It is important that the multiplier used is justified by the registered professional engineer designing the water supply system. The maximum hourly demand (Q_{MH}) in gpm is computed using Equation (13).

$$Q_{MH} \text{ in gpm} = (F_{MH}) (Q_{AD} \text{ in gpm}) \quad (\text{Eq.13.})$$

where F_{MH} is the demand multiplier for the maximum hourly demand.

Maximum Day Plus Fire Flow. The aggregated demand for maximum daily demand plus fire flow (Q_{MDF}) in gpm is computed using Equation (14).

$$Q_{MDF} \text{ in gpm} = Q_{MD} + NFF$$

(Eq.14)

Pipe Flow Velocity. Velocities in water distribution lines typically range from 5-10 feet per second (fps) at the design flow rate (Gagliardi, 1992, p. C.21; Tullis, 1989, p.22). Pipe flow velocities are limited by design to avoid a number of potential operating problems. If the velocity is less than 3.0 fps, problems may occur due to suspended solids settling out or trapped air that cannot be removed. However, velocities in pump suction lines must be kept low enough to maintain the pump's required net positive suction head (NPSH). On the other hand, high velocities may cause cavitation and erosion of the pipe wall or liner, water hammer which may damage pumps and valves, and increase pumping costs. Design criteria published by the Crane Company (1988, p.3-6) suggest that pipe flow velocities of up to 7 fps are reasonable for municipal water distribution lines. The pipe flow velocity in the service line from the distribution water main to the customer water meter should not exceed 15 fps (American Water Works Association, 1975, p.48)

Pressure

The pressure in the distribution system is affected by the water demand in the area; size of mains and design of the distribution grid system; elevation of the main and the customer's piping; distance from the utility's pumps; and pressure zones (American Water Works Association, 1975, p.38). The system should be designed to maintain a minimum pressure of 20 psi at ground level at all points in the distribution system under all conditions of flow. If future connection to a different supply system is anticipated, critical pressure in that system may be used as initial design pressure.

Sizing Pipelines

The purpose of the design flow analysis is to determine the minimum acceptable inside diameter of each segment of the piping system that will accommodate the design flow rate while maintaining the pressure drop and flow velocity within reasonable limits (Casiglia, 1992, p.B.63). Except for short cul-de-sacs, the minimum size of water mains that must provide required fire flows at fire hydrants, is 6 inches in diameter (American Water Works Association, 1989, p.19; Great Lakes Upper Mississippi River Board, 1987, p.111). Where the external supply or pressure is not adequate to meet requirements, larger pipe diameter, parallel or looping lines, or additional storage or pumping shall be provided to meet requirements (Boulder County Land Use Department, 1995, p.7-4.). If friction head losses are ignored, an initial estimate of the required inside pipe diameter (D) in inches, is computed using

Equation (15).

$$D=(0.6393)(Q/V)^{0.5} \quad (\text{Eq.15})$$

where Q is the maximum daily demand plus the fire flow requirement in gpm, or, the maximum hourly demand in gpm, whichever is greater; and V is the flow velocity in the pipe in feet per second.

Hydrant Flow Rate and Location

The minimum flow rate for each fire hydrant shall be 500 gpm. A higher flow rate may be required to suppress fires at multiple-family dwellings such as apartments and condominiums. The maximum distance between hydrants, as measured along the roadway, should not exceed 300 ft in high density residential areas and 600 ft in areas of moderate density (American Water Works Association, 1989, p.20). In low density areas where homes are built on large lots spacing criteria adopted by the authority having jurisdiction may permit up to 1,000 ft between hydrants along the roadway. However, no lot should be more than 500 ft from the nearest hydrant, in any area. Hydrants should be installed at each street intersection; in the middle of long blocks, particularly when required flow exceeds 1,300 gpm; and near the end of long dead-end streets. The planning of hydrant locations should be a cooperative effort between the water utility provider and the fire department.

Storage

New water systems should be designed with sufficient treatment and storage capacity to meet the maximum daily demand plus the required fire flow for the specified duration. Distribution storage equalizes demands on supply sources, production works, and transmission and distribution mains. As a result, the sizes or capacities of these components need not be so large. In addition, system flow and pressures are improved and stabilized to better serve customers throughout the service area; and reserve supplies are provided in the distribution system for emergencies, such as fire fighting and power outages. In normal system operations, some water from storage should be used each day not only to maintain uniformity in production and pumping. but also to ensure circulation of the stored water (American Water Works Association, 1989, p.24). Storage in the distribution system is normally brought to full capacity each night and is increased during low-demand periods of the day. By pumping at night, water utilities can take advantage of reduced electrical rates for off-peak power.

Adequacy and Reliability of System

A water supply system is considered to be fully adequate if it can

deliver the required fire flows to all points in the distribution system with usage at the maximum daily rate. When the delivery is also possible with the most critical limiting component out of service for a specified length of time, depending on the type of component, the system is considered to be reliable (American Water Works Association, 1989, p.32).

Distribution system components are often taken out of service for maintenance. In addition, system components fail on occasion. For this reason, utilities should construct their distribution systems with loops, backup pumps, backup power supplies, and storage tanks so that if any component fails or is out of service the effect on the availability of water is minimized.

WATER RIGHT REQUIREMENTS AND LIMITATIONS **Doctrine of Prior Appropriation**

In New Mexico, water resources are administered under the Doctrine of Prior Appropriation. A person who takes water and applies it to beneficial use is an appropriator; and the taking of the water constitutes the appropriation, which includes a priority date. This priority entitles the appropriator to receive a full appropriation before those with junior, or more recent water rights receive their appropriations.

Owning a Water Right

All natural waters in streams and watercourses, or underground, belong to the public and are subject to appropriation. An appropriation water right, like equipment or furniture, is considered property and can be separated from the land and transferred to another location subject to statutory requirements. The appropriator owns only the right to use the water and not the corpus, or body of water itself. Beneficial use is the basis, the measure and the limit of the right and priority in time gives the better right. All beneficial uses are considered equal regardless of the value resulting from the use. Municipalities, county governments, and certain other political subdivisions of the state may condemn water rights for public purposes provided that this action is approved by the court and original owners are reasonably compensated.

Obtaining a Water Right

To obtain a right, an application must be filed with the State Engineer for a permit to appropriate water. The applicant must specify the source of water, purpose and place of use, point of diversion, and amount of water to be used. After the application is filed, the applicant presents all essential facts in a legal

notice which is published in a newspaper circulated in the area where the water will be appropriated, once a week for 3 consecutive weeks. Protests to the application must be filed with the State Engineer within 10 days of the last date of the published notice. If a protest is filed, a hearing may be required before the State Engineer before the application is acted upon. An application will be denied if unappropriated water is not available, if the new use will impair existing water rights, or would be contrary to the conservation of water in the state, or detrimental to the public welfare of the state. If the State Engineer concludes that unappropriated water is available and that other criteria are met, the application is approved and it becomes a permit to appropriate water. The permit states when construction should be completed and when the water will be applied to beneficial use. The completion deadline depends on the size and complexity of the project; and an additional period of time may be allowed for the application of water to beneficial use. When construction is completed, or at the construction deadline, the site is inspected, and a certificate of completion is issued provided that all requirements are met.

This procedure applies to all surface waters, but only to ground water in declared underground basins. When the State Engineer finds that the water of an underground source has reasonably ascertainable boundaries, he can assume jurisdiction over the appropriation and use of such water by declaring the basin. Within a declared underground water basin, no well may be drilled without a permit and drilling may be done only by a well driller licensed by the State Engineer Office. The State Engineer declares and extends basins to protect prior appropriations, to guarantee the water's beneficial use and to ensure the orderly development of the resource. A basin may be declared without prior notice, however, after declaring the basin, a public hearing is required on the declaration within a specified time. The State Engineer has no jurisdiction outside declared underground basins, except to prevent waste. Declaring a basin has no effect on water rights initiated before the declaration date. After that date, however, those wanting a water right or wanting to drill additional wells to fulfill an existing right must apply to the State Engineer for a permit. If the water in a basin has been fully appropriated, no new water rights can be issued. The important effect of declaring an underground basin is that applicants bear the burden of proof to show that unappropriated water is available and that the appropriation will not impair existing surface or groundwater rights, would not be contrary to the conservation of water in the state, or detrimental to the public welfare of the state. Water right owners outside the underground basin boundaries are protected by the appropriation doctrine. If they believe their water right may be impaired, they have recourse to the courts, not the State Engineer.

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Applications to appropriate small amounts of underground water for individual domestic use, livestock watering, public works projects such as the construction of highways, and mineral exploration, are exempt from normal administrative procedures which require the advertisement of the application and public hearings, except where there are judicial constraints imposed by state or federal courts. The diversion from a well permitted for any of these purposes is limited to a maximum of 3 acre-feet in any year.

Quantifying a Water Right

The amount allocated to a new right depends on reasonable need and water availability. For community water systems that will be supplied by groundwater, consideration should be given to economic constraints, maintenance requirements, and limitations of aquifer performance, that may effect the feasibility of pumping a well continuously for extended periods of time. It may also be prudent to provide a margin of safety in the determination of the sustainable yield which allows for some diminishment in well yield over time. Therefore, as a matter of practicality, the diversion right for some community water systems may be taken as a percentage of the production capacity of the existing well, provided that this value does not exceed the amount of water specified in the water right application..

Changing Ownership

If the seller of a parcel of land has water rights that the buyer expects to obtain with the property, the buyer should require that the water right be conveyed in the property deed and that all documents related to the water right be conveyed to the buyer. Under a 1996 state law, the buyer must file a change of ownership form in the State Engineer Office and then at the county clerk's office in the county where the water right is located. Those who inherit or purchase water rights must also complete and file a change of ownership form.

Separating a Right from the Land

Although the right to water is conveyed with the sale of irrigated land, unless reserved in the deed, a water right can be sold separately from the land and applied to a new use in another area provided that the transfer will not impair other rights in the move-to location, would not be contrary to the conservation of water in the state, or detrimental to the public welfare of the state.

Changing the Place or Purpose of Use

A water right transfer does not always mean a new owner. A transfer can mean that the owner wants to change the use of the water, the amount of the allocation, or the location of a well under a recognized right. Changes in place and purpose of use or changing the location of a well require filing an application with the State Engineer and proof that the change will not impair existing rights, would not be contrary to the conservation of water in the state, or detrimental to the public welfare of the state.

Specification of Water Right and Water Use Limitations in Disclosure Statements

County subdivision regulations usually require that the subdivider's disclosure statement include any limitation, physical or legal, anticipated for each water use. The content of the statements will depend upon the classification of the proposed water supply system.

Individual Domestic Well.

For subdivisions where each lot purchaser will be responsible for drilling their own well the following text should be included in the disclosure statement:

The State Engineer will grant a domestic permit under Section 72-12-1 NMSA 1978 only to the person, who in good faith, intends to use the well for household or other domestic purpose. The permit is limited to the maximum allowable water use stated herein. If the total withdrawal is to exceed 3 acre-feet per annum from any well or group of wells that supply a common system, it will be necessary for the subdivider or users to obtain water rights.

Shared Well.

For subdivisions where the subdivider or homeowners will drill one or more wells each which will serve a cluster of homes (generally 2-6), it is important that all parties understand that the State Engineer does not grant domestic well permits to supply clusters of lots in any subdivision in the name of the subdivider or developer. The following text should be included in the disclosure statement:

A conditional Section 72-12-1 NMSA 1978 well may be drilled in the name of the developer (Article 1-15.5, Groundwater Rules and Regulations) after State Engineer approval of an application. This will allow the well to be drilled and tested but no water may be diverted for any use. Upon the sale of the lot on which the well is

located, the owner may file application under Section 72-12-1 (Article 1-15.5, Groundwater Rules and Regulations), specifying the lots to be served from the well. The State Engineer will grant the application previously described, with a requirement that the well be metered and reports of use will be required to be submitted to the State Engineer on at least a quarterly if not monthly basis. The diversion from the well will be limited to a maximum of 3 acre-feet in any year.

To ensure that the total amount of water diverted in any calendar year from a well which provides water to more than one lot does not exceed 3 acre-feet, the subdivider's disclosure statement should also include a restriction on the total area, expressed in square feet, that a lot owner can plant in lawn grasses, ornamental shrubbery and trees, and gardens, which would require irrigation; and prohibit hot tubs, swimming pools, and ponds or water gardens, where the area irrigated (square feet) is the maximum permitted under the criteria adopted. and finally, the total amount of water each lot owner will be entitled to should be specified. The entitlement is determined by dividing the domestic water right by the number of residential connections served by each individual well. However, in counties where more stringent restrictions have been placed on the amount of water each lot owner can use in any calendar year, if the entitlement allowed by the county is less than the result of the previous calculation, the lower figure should be specified in the disclosure statement.

Community Water System.

For subdivisions where groundwater will be diverted from one or more wells exclusive of those permitted under Section 72-12-1 NMSA 1978, or where surface water will be diverted to supply the subdivision, proof of an existing water right sufficient in quantity to meet the water demand in the subdivision shall be provided in the development plan and the maximum annual water requirement and limitation of the right shall be included in the disclosure statement. This statement may be written as follows:

Proof that (name of subdivider) is owner of (number of acre-feet) of water rights that will meet the requirements of the proposed subdivision is included in (identify section) of the development plan.

Extended Community Water System.

For subdivisions where water is diverted from the distribution mains of an established water purveyor, a letter of intention indicating that the water purveyor is ready, willing, and able to

provide water, and proof of a valid water right sufficient in quantity to meet the water demand of its current customers as well as the new subdivision shall be provided in the development plan; and the highest annual water use recorded by the water purveyor during the most recent 3 years, the maximum annual water requirement for the new subdivision, and the limitation of the right, shall be included in the disclosure statement. This statement may be written as follows:

Data provided by (name of water purveyor) indicate that the maximum annual water requirement for current customers is (number of acre-feet) per year and the maximum annual water requirement for (name of new subdivision) is estimated at (number of acre-feet) per year, which brings the total demand to (acre-feet) per year. Proof that (name of water purveyor) is owner of (number of acre-feet) of water rights that will meet both existing commitments and the requirements of the proposed subdivision is included (identify section) of the development plan.

Metering Requirements

The following text should also be included in the disclosure statement where applicable.

In declared underground water basins, for any well which serves two or more connections, a totalizing meter must be installed before the first branch of the discharge line from the well and the installation shall be acceptable to the State Engineer. A written document shall be submitted to the State Engineer with the name of the manufacturer, model, serial number, date of installation, and initial reading of the meter prior to appropriation water; and records of the amount of water diverted shall be submitted quarterly to the State Engineer Office on or before the 10th of January, April, July and October of each year.

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APPENDIX F

NOTE: THIS IS A SAMPLE AGREEMENT

AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS

THIS AGREEMENT made this _____ day of _____, 19_____, by and between the County of San Miguel, New Mexico (hereinafter referred to as County and _____, (hereinafter referred to as Developer) pursuant to the San Miguel County Subdivision Regulations of San Miguel County.

WHEREAS, the developer is developing certain lands within the County of San Miguel known as _____, hereinafter referred to as Subdivision); and,

WHEREAS, the developer has submitted and the County has approved a preliminary plat identified as _____, describing the subdivision; and

WHEREAS, the County's Subdivision Regulations require the developer to install and construct certain public improvements at no cost to the County; and

WHEREAS, the County requires the execution of an agreement to construct said public improvements, together with actual satisfactory construction or acceptance guarantees of construction as specified below, as a prerequisite to approval of a final plat of the subdivision; and

WHEREAS, the developer must obtain county approval of construction plans specifications, and cost estimates for the improvements and upon county approval of such construction plans, specifications and cost estimates, and

WHEREAS, the county is willing to inspect or monitor the private inspection of the improvements during the course of their construction and accept said improvements upon their satisfactory completion, and

WHEREAS, the developer financially guarantees the satisfactory completion of the infrastructure construction required herein and the payment of all labor and material costs and charges, all as set forth and specified in Attachment A of APPENDIX F, which is attached hereto and incorporated herein as if fully set forth in this agreement.

NOW, THEREFORE, in consideration of the above, the county and the developer hereby agree as follows:

1. The developer shall, on or before the _____ day of _____, 19____ complete to the satisfaction of the county the improvements required for the subdivision as set forth, specified and referenced in this paragraph. The improvements which the developer shall satisfactorily complete within the time limitations stated above are described and identified as follows:

Type of Improvement	Location
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The time limitation state above may be extended by the San Miguel County Planning and Zoning Commission and Board of County Commissioners for a period not to exceed twelve (12) months if the developer shows adequate reasons for said extension.

2. After execution of this agreement, and, if applicable, delivery of the financial guarantee specified in Attachment A attached hereto, the developer shall be issued a work order by the county.

The developer shall permit the county or other participating agencies to make such tests and inspections during the construction of the improvements and upon completion of the improvements as are necessary or desirable.

3. Prior to final acceptance of the completed improvements by the county, the developer shall furnish to the designated county official all documentation of the completion of construction.

4. Until acceptance of the improvements by the county, the developer or his assigns shall be solely responsible for maintaining the premises being subdivided in a safe condition. The developer agrees to defend, indemnify and hold harmless the county and its officers, agents and employees from and against all suits and actions or claims of any character brought because of any injury or damage arising out of the design or construction of the improvements or by reason of any act or omission, or misconduct of the developer, his agents, and/or employees. The indemnity required hereunder shall not be limited by reason of the specifications of any particular insurance coverage in this

agreement. Nothing herein is intended to impair any right or indemnity under the laws of the State of New Mexico.

5. At the time of acceptance of the completed improvements or any portion thereof by the county, the developer shall furnish or cause to be furnished a bond or other suitable guarantee in a form and with a surety satisfactory to the county to guarantee the completed project against defective materials and workmanship for a period of (2) years following the date of acceptance by the county. This requirement may be waived or modified to a shorter time period if a Homeowner's Association has assumed responsibility for these improvements.

6. The county shall either perform or monitor the performance of inspections during the course of construction of the improvements and inspect the improvements upon their completion in a timely manner.

7. The county shall designate a construction engineer and/or inspector for this project.

8. The county shall issue a certificate of completion and acceptance for the improvements upon final completion to the county's satisfaction of the improvements as described in the plans and specifications. However, the County Planning Commission may issue a certificate of completion and acceptance for a portion of the improvements in accordance with the conditions and procedures set forth in Attachment A attached hereto.

9. If the developer has requested final plat approval by the county prior to the actual construction of the improvements, the county will approve the final plat for recordation upon execution of this agreement and delivery of the financial guarantee specified in Attachment A attached hereto and in full compliance with the county subdivision ordinance.

10. This agreement shall not be assigned except with the written consent of the parties hereto and the express written concurrence of any surety who has undertaken to guarantee the completion of the improvements. If so assigned, this agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

11. In the event of the sale, conveyance, or assignment of the subdivision or any portion thereof, the county will not release the developer from its obligations under this agreement until a successor in interest to the developer, has posted a suitable guarantee and entered into a subdivision improvement agreement with the county. At such time as acceptable security has been posted by

the developer's successor in interest and the agreement executed, the county will release the guarantee.

12. Should there be a conflict between the terms and conditions of this agreement (with Attachment A) and the terms and conditions of any other document referred to herein, the terms and conditions of any other document referred to herein, the terms and conditions of this agreement (with attachment A) shall govern.

In witness whereof, the parties hereto have executed this agreement as of the date above written.

DEVELOPER:

COUNTY OF SAN MIGUEL, NEW MEXICO

Chairman San Miguel County Board Commissioners

ATTEST:

REVIEWED BY COUNTY ATTORNEY:

County Clerk

Planning and Zoning Director

STATE OF NEW MEXICO }
 }§
COUNTY OF SAN MIGUEL }

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____
_____.

NOTARY PUBLIC

ATTACHMENT A

TO SUBDIVISION IMPROVEMENT AGREEMENT

EXECUTED BETWEEN _____ (DEVELOPER)
AND THE COUNTY OF SAN MIGUEL
ON THE _____ DAY OF _____, 19____

1. PLAT APPROVAL STATUS

The developer has/has not requested final plat approval by the county prior to construction of the subdivision improvements described in paragraph 1 of the subdivision improvement agreement. If the developer has not requested final plat approval prior to construction of the improvements, no financial guarantee is required by the county. However, the developer understands and agrees that the county will not approve the developer's proposed plat until the improvements are completed in accordance with the agreement to which this document is attached.

If the developer has requested final plat approval prior to the construction of the improvements, a financial guarantee in an amount of not less than 125 percent of the costs of completing the improvements (as estimated by the engineer) is required pursuant to the county's subdivision regulations. Said financial guarantee must be irrevocable in form and may be affected by a bond, letter or credit, escrow deposit, or other acceptable pledge of liquid assets payable to the county in the event of developer's default under the subdivision improvement agreement.

2. FINANCIAL GUARANTEE

With respect to the subdivision improvement agreement to which this document is attached, the developer has acquired or is able to acquire the following described financial guarantees (describe fully, indicate amount, identification number, names of bank or bonding entity, inclusive dates of guarantees, and all other relevant information).

The developer understands and agrees that the original executed financial guarantee described above must be delivered to the county simultaneously with the county's execution of the subdivision improvement agreement between the developer and the county; and must be in an amount of not less than 125 percent of the cost of completing the improvements, as estimated by the engineer or contractor.

In the event the developer shall fail or neglect to fulfill his obligations under this agreement, the county shall have the right to construct or cause to be constructed, the improvements specified herein, as shown on the final plat and in the plans and specifications as approved, and the developer as principal and the surety or sureties shall be jointly and severally liable to pay to and indemnify the county, the total cost to the county thereof, including but not limited to, engineering, legal, and contingent costs together with any damages, either direct or consequential, which the county may sustain on account of the failure of the developer to carry out and execute all of the provisions of the agreement to which this document is attached. The county shall have the unconditional right to call upon the financial guarantee provided by the developer described in this paragraph for the purposes specified and in the amount enumerated in such guarantee.

3. PROCEDURES FOR REDUCTION OF FINANCIAL GUARANTEE UPON PARTIAL COMPLETION OF IMPROVEMENT

- A) A revised financial guarantee in an amount of not less than 125 percent of the county's estimated cost of completing the remaining improvements.
- B) A release of the original financial guarantee for execution by the county.
- C) Documentation that the completed improvements and the land in which the completed improvements are located are subject to no liens, claims or other encumbrances.
- D) A bond or other suitable instrument guaranteeing the completed improvements against defective materials and workmanship for a period of two (2) years as set forth in paragraph 5 of the subdivision improvement agreement between and developer and the county.

Upon receipt of the above described documents in forms acceptable to the county, the county shall issue a certificate of completion and acceptance for the completed improvements and accept the revised financial guarantee tendered by developer.

APPENDIX G-1

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING NO MORE THAN FOUR 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 informative only.

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

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

2. NAME AND ADDRESS OF SUBDIVIDER

3. CONDITION OF TITLE

Include at least the following information where applicable (number of mortgages) _____

(name and address of each mortgagee)

(balance owing on each mortgage)

(summary of release provisions of each mortgage) _____

(number of real estate contracts on the 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)_____

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

(name of entity providing electricity, if available)_____

(estimated cost per parcel)_____

(name of entity providing gas service, if available)_____

(estimated cost)_____

(name of entity providing water, if available) _____

(estimated cost)_____

(name of entity providing telephone, if available)_____

(estimated cost)_____

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

(estimated cost)_____

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

(estimated cost)_____

6. INSTALLATION OF UTILITIES

(electricity)_____

(date)_____

(gas)_____

(date)_____

(water)_____

(date)_____

(telephone)_____

(date)_____

(liquid waste disposal)_____

(date)_____

(solid waste disposal)_____

(date)_____

7. 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	_____	_____

8. 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)_____

9. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS (if applicable)
(name and address of entity providing water)_____

(source of water and means of delivery)_____

(summary of any legal restrictions on either indoor or outdoor usage)_____

(statement that individual wells are prohibited, if such is the case)_____

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

(state whether wells will be provided by the subdivider or by the prospective purchaser/lessee/conveyee)_____

(if wells are provided by purchaser/lessee/conveyee, state the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment facilities)_____

(if wells are provided by the subdivider, state the cost, if any to the purchaser/lessee/conveyee)_____

(summary of legal restrictions on either indoor or outdoor usage)_____

(average depth to groundwater and the minimum and maximum well depths to be reasonably expected)_____

(recommended total depth of well)_____

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

11. SURFACE WATER*

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

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

12. 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

13. SOLID WASTE DISPOSAL

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

14. 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 San Miguel 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) _____

15. 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 and emergency 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) _____

16. 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) _____

17. CONSTRUCTION GUARANTEES (if applicable)

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

(describe all performance bonds, 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.

18. ADVERSE OR UNUSUAL CONDITIONS

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

19. FIRE PROTECTION

(distance to nearest fire station from subdivision) _____

(route over which that distance is computed) _____

(state whether the fire department is full-time or volunteer)

20. POLICE PROTECTION

List the various police units that patrol the subdivision.

(sheriff's department, if applicable) _____

(municipal police, if applicable) _____

(state police, if applicable) _____

21. PUBLIC SCHOOLS

(name of and distance to nearest public elementary school serving the subdivision) _____

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

(name of and distance to nearest public high school serving the subdivision) _____

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 informative only.

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

If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is retested 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 San Miguel 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 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)

(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

(name of entity providing

(electricity, if available)_____

(estimated cost per parcel)_____

(name of entity providing)_____

(gas service, if available)_____

(estimated cost)_____

(name of entity providing water, if available)_____

(estimated cost)_____

(name of entity providing telephone, if available)

(estimated cost)_____

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

(estimated cost)_____

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

(estimated cost)_____

15. INSTALLATION OF UTILITIES

(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) _____

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

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

17. WATER AVAILABILITY

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

(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 and source of data)

(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)

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

21. 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) _____

22. WATER QUALITY

(describe the quality of water in the subdivision available for human consumption and list the name of the laboratory that conducted the test) _____

(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) _____

23. 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)_____

24. 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

25. 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)_____

26. SOLID WASTE DISPOSAL

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

27. 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)_____

28. 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 San Miguel 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)_____

29. 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)_____

30. 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 and emergency 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)_____

31. 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)_____

32. 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)_____

33. 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.

34. 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)_____

35. 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)_____

36. 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)_____

37. POLICE PROTECTION

List the various police units that patrol the subdivision.

(sheriff's department, if applicable)_____

(municipal police, if applicable)_____

(state police, if applicable)_____

38. 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)

39. HOSPITALS

(name of nearest hospital) _____

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

(number of beds in nearest hospital) _____

40. SHOPPING FACILITIES

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

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

41. PUBLIC TRANSPORTATION

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

42. Archaeological Sites

(describe any archaeological sites of interest located in or
adjacent to the subdivision) _____

(Include here the approved summary of the opinion received by

the New Mexico Cultural Properties Review Committee)____

FILE NO: _____

CLAIM OF EXEMPTION

To claim an exemption from the requirements of the San Miguel 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 Zoning Division Supervisor, 500 West National Avenue, Suite 104, Las Vegas, NM 87701. Be sure to check all exemptions which apply and attach legible copies of all supporting documents. **Please allow thirty (30) days for application review and processing.**

The County Planning and Zoning Division Supervisor will notify you in writing within the 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 Planning and Zoning Director within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the San Miguel County Regulations. If your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the county's subdivision regulations.

I, _____, claim an exemption from the San Miguel County Subdivision Regulations for the following reason(s). 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, for the preceding three (3) years. ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL.

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

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

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

_____ the division of land created by court order where the order creates no more than one parcel per 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. ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USED TO GRAZING OR FARMING ACTIVITIES. SUCH DOCUMENTS MUST CONTAIN A COVENANT RUNNING WITH THE LAND AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND THE PROPERTY OWNER THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES. THE COVENANT MUST BE SIGNED BY THE PROPERTY OWNER, THE BUYERS OR LESSEE, AND THE BOARD OF COUNTY COMMISSIONERS AND MUST BE FILED AND RECORDED WITH THE COUNTY CLERK.

- _____ the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. ATTACH CERTIFIED SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER THE 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, grandparents, stepson, daughter, stepdaughter, grandson, step grandson, granddaughter, step granddaughter, uncle, aunt, nephew, 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. BAPTISMAL CERTIFICATES ARE NOT ACCEPTABLE DOCUMENTATION.

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

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

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

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

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

I further certify that I have read and understand this claim of exemption application and that I submit this application for the noted division of land and do so of my free will and consent.

Signature

Print your name here

Address

City State Zip Code

Telephone Numbers

Signature

Print your name here

Address

City State Zip Code

Telephone Numbers

SUBSCRIBED AND SWORN to before me on this _____ day of _____,
2008.

Notary Public

My Commission Expires: _____

(SEAL)

FOR OFFICIAL USE ONLY

ALL FEES ARE NON-REFUNDABLE.

FEES MUST BE PAID BY MONEY ORDER OR CERTIFIED CASHIERS CHECK.

Application Fee: Two Hundred (\$200) Dollars Per Exemption plus \$25.00 per lot.

Fee paid for exemption(s): \$ _____ plus

Fee paid at \$25 per lot created: \$ _____

TOTAL FEE PAID \$ _____

E-911 ADDRESSING CLEARANCE – Mario Vasquez – 1ST Floor – County Courthouse - (505) 454-1654 - 8:00 A.M. to 10:00 A.M. - Monday thru Friday

File No. EX- _____

Physical Address Issued: Y___N___ Pending Y___N___

Address Issued: _____

Issued By: _____ Date: _____

_____ 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:

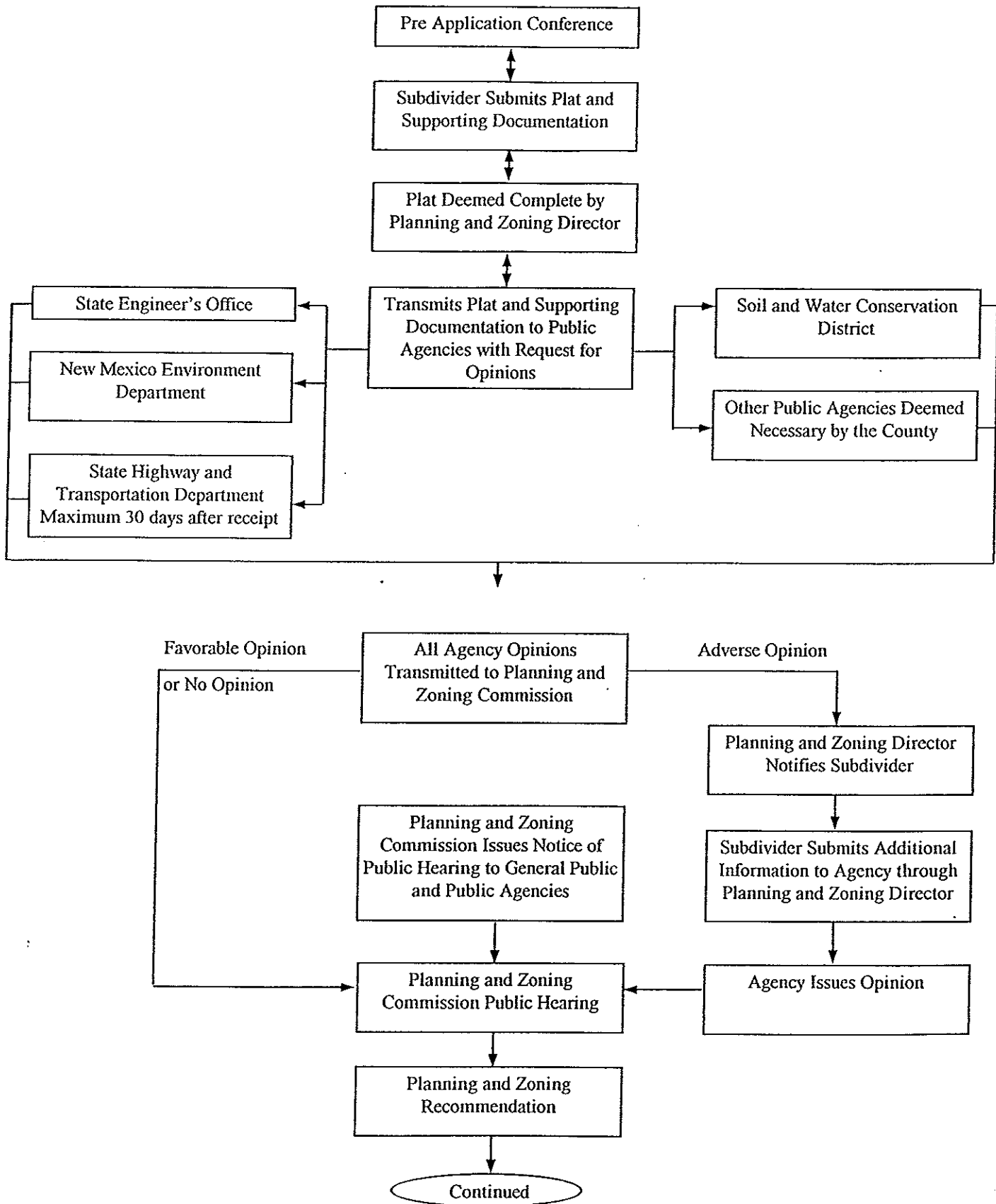
_____ The foregoing Claim of Exemption is hereby denied for the following reasons:

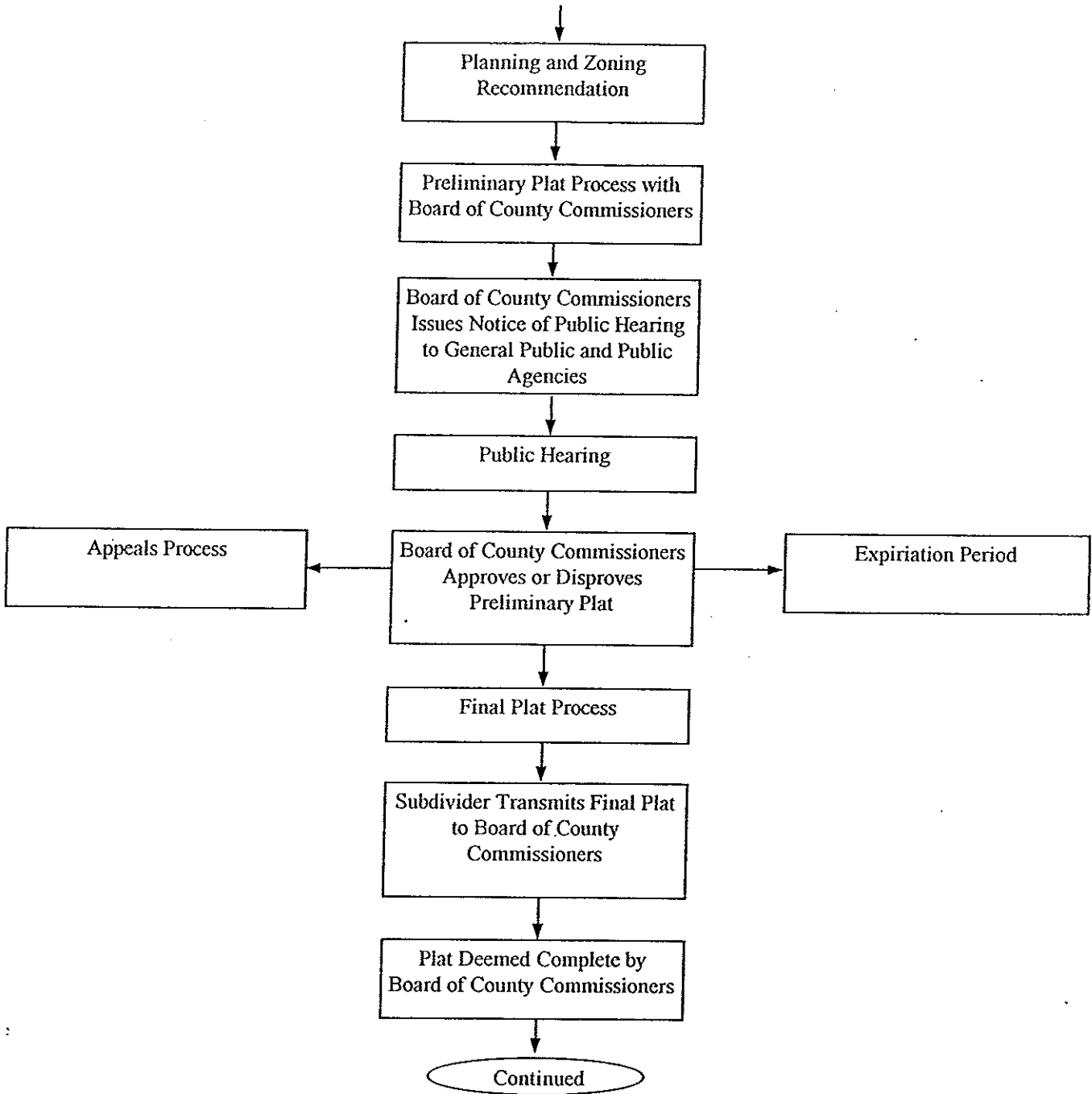
Date: _____

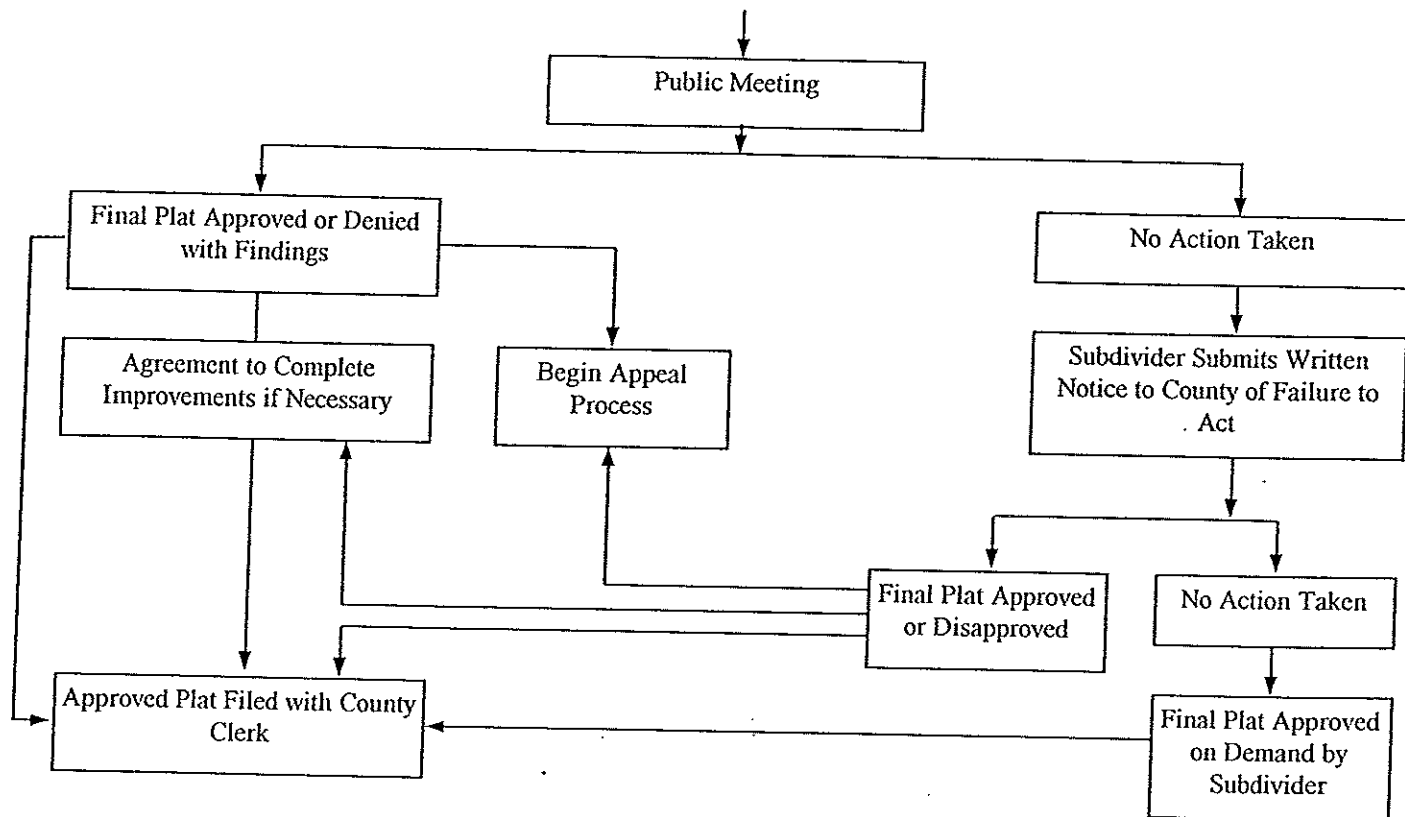
Planning & Zoning Division Supervisor

STAMP

Preliminary and Final Plat Review for Subdivision types 1, 2, 3*, 4







Preliminary and Final Plat Review for Subdivision types 1, 2, 3*, 4

