

SAN JUAN COUNTY SUBDIVISION REGULATIONS

July 1, 1997

1st Amendment, March 2, 1998

2nd Amendment, August 20, 2006

3rd Amendment, _____, 2020

NOTE ON ENACTMENT AND AMENDMENT:

The San Juan County Subdivision Regulations ("the Regulations") were approved by the Board of County Commissioners of San Juan County ("the Board") during its Special Meeting of May 22, 1997, and were first effective July 1, 1997.

The first Amendment to the Regulations was approved by the Board on January 22, 1998, the amendments becoming effective March 2, 1998.

The second Amendment to the Regulations was approved by the Board on July 19, 2006, the amendments becoming effective on August 20, 2006.

The third Amendment to the Regulations was approved by the Board on...

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SAN JUAN COUNTY SUBDIVISION REGULATIONS

ARTICLE 1. GENERAL PROVISIONS

Section 1.1. Title

These Regulations shall be known and may be cited as the "San Juan County Subdivision Regulations" (hereinafter "these Regulations").

Section 1.2. Authority

These Regulations are created pursuant to the enabling authority set forth in N.M.S.A. 1978, § 47-6-1 (Repl. 1995).

Section 1.3. Purpose

These Regulations are to provide for harmonious development of unincorporated areas of San Juan County (hereinafter "the County"), for coordination of streets within subdivisions with other existing or planned streets of the County, for adequate open spaces for traffic, recreation, light, and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity.

Section 1.4. Jurisdiction

These Regulations shall govern all subdivision of land not within the boundaries of municipalities but within the County. The County and a municipality shall exercise concurrent jurisdiction over the territory within the platting jurisdiction of both the County and the municipality. These regulations shall not apply within the exterior boundaries of the Navajo Nation Indian Reservation.

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 minimum requirements. Whenever any provision of these Regulations conflicts 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.

Section 1.7 Time

In computing any period of time prescribed or allowed by these Regulations, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is not one of the aforementioned days.

ARTICLE 2. DEFINITIONS

The following definitions apply to words used in these Regulations:

- Alternative disposal system:** An individual liquid waste disposal system which is not a conventional disposal system. It is commonly used where limiting soil conditions exist. Some examples of alternative disposal systems include deep trench, seepage pit, fill, sand filter, sand mound, evapotranspiration, and land application;
- Common Promotional Plan:** Any plan or scheme of operation, undertaken by a single Subdivider or a group of Subdividers acting in concert, to offer for sale or lease parcels of land where such land is either 1) contiguous to or part of the same area of land or 2) is known, designated or advertised as a common unit by a common name;
- Community liquid waste system:** A liquid waste system which receives a design flow of more than two thousand (2,000) gallons of liquid waste per day which is subject to the New Mexico Ground and Surface Water Quality Protection Regulations (20 NMAC 6.2);
- Compliance Plat:** A plat of one or more parcels that have not previously received approval by the County and/or a municipality. These parcels were established after these Regulations were effective July 1, 1997 and/or after a municipality's regulations took effect. An approved compliance plat brings these parcels into compliance with these Regulations and/or a municipality's regulations.
- Contiguous:** Common boundary line and not a common point;
- Conventional disposal system:** An individual liquid waste disposal system that is a below-grade soil absorption system with an excavated depth no deeper than four (4) feet from the ground surface. Some

examples of conventional disposal systems are absorption trenches and seepage beds;

County:	County of San Juan;
Disclosure Statement:	Statement required to be given to persons acquiring an interest in subdivided land which complies with the requirements of N.M.S.A. 1978, § 47-6-17, as amended;
Engineer:	A person authorized to practice professional engineering in the State of New Mexico;
Final Plat:	Map, chart, survey, plan, or replat certified by a licensed, registered land surveyor, which contains a description of the subdivided land with ties to permanent monuments prepared in a form suitable for filing of record;
Floodplain:	Any area which will be flooded by high water from a one hundred (100) year frequency storm;
Immediate Family Member:	Husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by natural birth or adoption;
Individual liquid waste system:	A liquid waste system which receives a design flow of two thousand (2,000) or less gallons of liquid waste per day which is subject to the New Mexico Liquid Waste Disposal Regulations (20 NMAC 7.3);
Lease:	To lease or offer to lease land;
Liquid waste disposal system:	A component of a liquid waste system which disposes of the discharge from a liquid waste treatment system;
Liquid waste system:	A system which is designed, constructed, operated, and maintained to receive, treat, and dispose of liquid wastes. It usually consists of collection, treatment, and disposal components;
Liquid waste treatment system:	A component of a liquid waste system which removes, reduces, or alters the objectionable constituents of liquid waste;
Net lot size:	The area of a lot as defined by the New Mexico Liquid

Waste Disposal Regulations (20 NMAC 7.3); ~~excluding any area dedicated by easement or used to provide vehicular passage to more than one lot or more than five (5) residential or commercial units on a single lot;~~

- Parcel:** Land capable of being described by location and boundaries and not dedicated for public or common use;
- Person:** Any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity;
- Potential source of contamination:** Any source which could release substances resulting in the degradation of a body of water and a hazard to public health;
- Preliminary Plat:** A map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it, which need not be based upon an accurate and detailed survey of the land (however, an accurate and detailed survey is recommended);
- Representative water sample:** A water sample which can be expected to reflect the current quality of the water proposed for use within the subdivision. A water sample (and water quality analysis) more than three (3) years old is not considered representative;
- Sell:** To sell or offer to sell land;
- Soil survey:** A national cooperative soil survey conducted by the USDA, Natural Resources Conservation Service in cooperation with the state agricultural experiment station and other federal and state agencies, or any other survey containing information of comparable quality and detail following the national standards for an Order 2 survey;
- Subdivide:** To divide a surface of land into a subdivision;
- Subdivider:** Any person 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; but "subdivision" does not include:

- (1) 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 N.M.S.A. 1978, § 7-36-20, for the preceding three (3) years;
- (2) The sale or lease of apartments, offices, stores or similar space within a building;
- (3) The division of land within the boundaries of a municipality;
- (4) The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
- (5) The division of land created by court order where the order creates no more than one parcel per party;
- (6) The division of land for grazing or farming activities provided the land continues to be used for grazing or farming activities;
- (7) 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; ~~and a plat showing the alterations and prepared by a licensed surveyor is recorded with the County Clerk;~~
- (8) The division of land to create burial plots in a cemetery;

(9) 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; **provided that the immediate family member shall not further transfer ownership or divide the land within five years;**

(10) The 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) The sale, lease or other conveyance of land that creates no parcel smaller than 140 acres;

(12) The division of land to create a parcel that is donated to any trust or nonprofit corporation granted 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 ~~facility~~ **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; or

~~(13) 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-year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five years of the first sale, lease or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act except as otherwise exempted; provided further that a survey shall be filed with the County Clerk indicating the five-year holding period from both the original tract and the newly created tract.~~

~~(13) The division of a tract of land, except a tract within a previously approved subdivision, within any five-year period, into two parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five years of the date of the division of the original tract of land shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey, and a deed if a parcel is subsequently conveyed, shall be filed with the county~~

clerk indicating the five-year holding period and that the parcel shall be subject to the provisions of the New Mexico Subdivision Act if the parcel is further divided within five years of the date of the division of the original tract of land;

(14) The division or platting of land not defined elsewhere in these Regulations, such as Compliance Plat, Easement Survey, Revised Plat, Correction Plat, or another type of plat.

Subdivision Review Officer: That person designated by the County Manager to process and review subdivisions on behalf of the County;

Terrain Management: The control of floods, drainage, and erosion and measures required for adapting proposed development to existing soil characteristics and topography;

Time of Purchase: The 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 or more parcels, any one of which is less than ten acres in size;

Type Two Subdivision: Any subdivision containing not fewer than twenty-five but not more than four hundred ninety-nine parcels, any one of which is less than ten acres in size;

Type Three Subdivision: Any subdivision containing not more than twenty-four parcels, any one of which is less than ten acres in size;

Type Four Subdivision: Any subdivision containing twenty-five or more parcels, each of which is ten acres or more in size;

Type Five Subdivision: Any subdivision containing **not more than** twenty-four ~~or less~~ parcels, each of which is ten acres or more in size; ~~and~~

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

Water supply system or water system: 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.

ARTICLE 3. PRE-APPLICATION PROCESS

Section 3.1. Pre-Application Procedure

3.1.1 Conference, In General

For the purpose of expediting applications and reducing subdivision design and development costs, a Subdivider shall ~~may~~ request an informal pre-application conference in accordance with this Article. The pre-application conference is intended to provide general advice to the Subdivider about the procedures and requirements for subdivision review and approval.

3.1.2 Conference, ~~When Required~~

A pre-application conference is required for all plats submitted to the Subdivision Review Officer. ~~each subdivision which is eligible for review under the summary procedure provided in Article 6 of these Regulations.~~

3.1.3 Scheduling

When a pre-application conference is requested by a Subdivider ~~or required by these Regulations~~, the Subdivision Review Officer shall schedule the conference within a reasonable time.

3.1.4 Fee

No fee shall be required for a pre-application conference.

3.1.5 Statements Non-Binding

Neither the Subdivider nor the County shall be bound by any statements or determinations made during the pre-application conference.

3.1.6 Application Forms

During the pre-application conference, or upon request, the Subdivision Review Officer shall provide information and application forms to the Subdivider. All necessary forms shall be provided without charge.

Section 3.2. Pre-Application Data Requirements

At the pre-application conference, the Ssubdivider may provide any of the following to assist the Subdivision Review Officer in the initial review of the proposed subdivision:

3.2.1 Sketch Plan

A sketch plan may be submitted which shows the proposed layout of streets and

lots, estimated dimensions, other relevant site information, and the location of the proposed subdivision.

3.2.2 Additional Information

The Subdivider may also provide the name and mailing address of the Subdivider and designated agent, if any; the name of the owner or owners of the land to be subdivided; a written description of the proposed subdivision; a description of surrounding land uses; and information which describes the accessibility of the 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, certain Type Three, and all Type Four subdivisions. Certain Type Three and all Type Five subdivisions shall be reviewed under the summary procedure set forth in Article 6 of these Regulations.

4.1.2 Application/Fee

A pre-application conference is required before application for preliminary plat submittal. The pre-application process is described in Article 3 of these Regulations.

Preliminary plat submittal is initiated by completing an application on the prescribed form available from the Subdivision Review Officer, and upon payment of the required administrative fee.

4.1.3 Plat Deemed Complete

On receipt of the application, fee, preliminary plat, and supporting documentation (see Section 4.5 and Article 8, herein), the Subdivision Review Officer shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat shall be deemed complete for review and written notice to the subdivider provided. The initial review should be complete within fifteen (15) days of the date of application. If the preliminary plat is incomplete or does not comply with the requirements herein, the Subdivider shall be notified. The Subdivider shall have one hundred eighty (180) days to correct the deficiencies and return the preliminary plat for consideration. The Subdivision Review Officer may extend the time period for good cause shown. If the deficiencies are not corrected within 180 days plus any extension granted by the Subdivision Review Officer, the plat shall expire.

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 shall forward a copy of the preliminary plat and supporting documentation to the following State and local agencies by certified mail "return receipt requested" with a request for review and opinions:

a. the New Mexico State Engineer Office;

- b. the New Mexico Environment Department;
- c. the New Mexico Highway and Transportation Department;
- d. the Soil and Water Conservation District in which the proposed subdivision is located;
- e. the Public Works Department of the County;
- f. the County Fire Marshal;
- g. the Floodplain Manager of the County;
- h. the Assessor's Office of the County;
- i. any irrigation ditch association whose irrigation ditch, lateral or tailwater passes through the proposed subdivision or within one hundred (100) feet of any exterior boundary of the proposed subdivision; and
- j. any other public agencies the County considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.

As per N.M.S.A. 1978, § 47-6-11.2, for a subdivision containing ten or more parcels, any one of which is two acres or less in size, the Subdivider shall provide proof of a service commitment from a water provider and an opinion from the state engineer of adequate water supply, or an appropriate water permit, before final plat approval.

As per N.M.S.A. 1978, § 47-6-11.4, on land from which irrigation water rights have been severed after April 4, 2013, the Subdivider shall provide proof of a service commitment from a water provider and an opinion from the state engineer of adequate water supply, or an appropriate water permit, before final plat approval.

4.2.2 Agency Response

The State and local agencies shall have thirty (30) calendar days from receipt to review and return an opinion regarding the preliminary plat. The County 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 each agency are favorable, the County shall schedule a public hearing on the preliminary plat within thirty (30) days following the receipt of the last 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.

4.2.4 Adverse Opinion

If any opinion from a public agency is adverse, or if an agency requests additional information, the County shall forward a copy of the adverse opinion or request for additional information 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 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 to revise its opinion, or issue an opinion if one was withheld because of insufficient information.

4.2.5 Revised Opinion

The County shall schedule the public hearing 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 thirty (30) days after the date the Subdivider submits additional information, it shall proceed with the public hearing.

Section 4.3. Public Hearing on Preliminary Plats

4.3.1 Scheduling

The County shall conduct a public hearing on the preliminary plat within the time periods specified in these Regulations. Notice of the hearing shall be given at least twenty-one (21) days before the hearing date. The public hearing shall be conducted by a designated hearing officer, and may or may not be held at a regular County Commission Meeting or Workshop. The County shall endeavor to conduct its public hearing as soon as practicable, consistent with the time periods set forth herein.

4.3.2 Notice

The Subdivision Review Officer shall publish a notice of public hearing. Notice of public hearing shall be published in a newspaper of general circulation in the county and shall contain the following information:

- a. the subject of the hearing;
- b. the time and place of the hearing;
- c. the manner for interested persons to present their views; and
- d. the place and manner for interested persons or lienor to obtain 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 approval;
- b. those public agencies which initially received copies of the preliminary plat and supporting documentation with a request for opinion; and
- c. any person who previously requested such notice and provided **either an email address or** a self-addressed envelope for such purpose.

4.3.4 Participation/Record

At the public hearing, the County shall allow all interested persons a reasonable opportunity to submit data, views or arguments, orally or in writing, and to examine witnesses testifying at the hearing. A record of the public hearing shall be kept. The opinions of the public agencies shall be made a part of the record.

4.3.5 Action

Within thirty (30) days after the public hearing, the Board of County Commissioners shall approve, approve with conditions, or disapprove the preliminary plat at a public meeting, the date, time, and place of which shall be announced publicly at the conclusion of the public hearing; provided, however, where a proposed subdivision proposed for preliminary plat approval lies within the concurrent platting jurisdiction of a municipality as set forth in N.M.S.A. 1978, § 3-20-9, no further action shall be taken on the application for preliminary plat approval until such time as the municipality has given its preliminary approval. If the public hearing was held previous to the approval of a municipality, the Board of County Commissioners shall take action on the request within thirty (30) days of the date upon which it receives notice of the action of the municipality. The County shall inform the Subdivider in writing of the decision of the Board of County Commissioners.

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

An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Upon request by the Subdivider, an additional period of no more than twelve (12) months may be added to the expiration date by the Board of County Commissioners.

4.4.2 Phased Development

If the preliminary plat was approved for phased development, the Subdivider may record 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 a total of thirty-six (36) months.

4.4.4 Effect of Expiration

The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.

Section 4.5. Preliminary Plat Data Requirements

4.5.1 Required Documentation

At a minimum, supporting documentation required for the preliminary plat review must provide sufficient information for the County to determine that:

- a. water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision is provided, including water for indoor and outdoor domestic uses (a minimum of 0.3 acre feet/parcel per annum is required, unless mitigating circumstances such as supplemental irrigation, xeriscaping, mandatory water conservation or other mitigating circumstances exist);
- b. water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination;
- c. there is a means of liquid waste disposal for the subdivision;
- d. there is a means of solid waste disposal for the subdivision;
- e. there are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel;
- f. there is terrain management which protects against flooding, inadequate drainage and erosion;
- g. there is protection for cultural properties, archaeological sites and unmarked burials that may be directly affected by the subdivision;
- h. the Subdivider can fulfill the proposals contained in the disclosure statement for the subdivision; and
- i. the subdivision will conform with the New Mexico Subdivision Act and these Regulations; and
- j. any lien holder, or title company in lieu of lien holder, acknowledges plat.

4.5.2 Filing Specifications

The Subdivider shall submit ~~ten (10)~~ copies of the preliminary plat and supporting documentation **in such numbers sufficient** 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. **The survey linework and lot numbers shall be submitted in electronic format acceptable to the Subdivision Review Officer.**

4.5.3 Map Specifications

The preliminary plat map shall show the following:

- a. title, scale, north arrow, date, and type of subdivision;
- 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 work on easements;
- f. names and right-of-way widths of existing and proposed streets on and adjacent to the subdivision and pertaining to the development;
- g. location, dimension, and purpose of any land to be dedicated to the public use including any improvements to be made to that land;
- h. location of the subdivision in relation to well-known landmarks;
- i. location of archaeological, historical, or culturally significant features on the site if required by the Cultural Properties Act;
- j. delineation of any serious flood hazards and of the 100-year flood plain as designated by the Federal Emergency Management Agency;
- k. names and addresses of owner or owners of land to be subdivided, the Subdivider if other than the owner, land surveyor, and engineer;
- l. legal description indicating the range, township, and section within which the subdivision is located sufficient to define and describe the property being subdivided;
- m. existing and proposed utilities on and adjacent to the site; and
- n. the location of any irrigation ditch, lateral or tailwater ditch or slough which passes through the proposed subdivision or within one hundred (100) feet of any exterior boundary of the proposed subdivision-; **and**
- o. **signature block for the Board of County Commissioners, County Clerk, County Floodplain Manager, and County Treasurer.**

4.5.4 Phased Subdivisions

Subdivisions which are proposed to be phased and filed in multiple final plats shall include an anticipated phasing schedule for the final plats and a schedule of improvements.

4.5.5 Disclosure Statement

The preliminary plat shall be accompanied by a draft disclosure statement in accordance with the standardized format provided in Appendix A 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.

4.5.6 Road Development Schedule

Roads within a subdivision shall be constructed only on a schedule approved by the Board of County Commissioners, whether or not such roads are to be dedicated to the County. The Ssubdivider shall submit such a schedule for approval during the preliminary plat approval process. In approving or disapproving a Ssubdivider's road construction schedule, the Board of County Commissioners shall consider the proposed use of the subdivision, the period of time before the roads will receive substantial use, the period of time before construction of homes will commence on the portion of the subdivision serviced by the road, the County regulations governing phased development, and the needs of prospective purchasers, lessees and other persons acquiring an interest in subdivided land in viewing the land within the subdivision. All dedicated roads shall conform to minimum County standards as set forth in Article 8 of these Regulations. The Board of County Commissioners shall not approve the grading or construction of roads unless and until the Ssubdivider 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 (24) months from the date of construction of the road.

ARTICLE 5. FINAL PLAT REVIEW PROCESS

Section 5.1. Final Plat Submittal

5.1.1 Conformity With Preliminary Plat

Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the Subdivider shall prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. Subdivisions proposed to be phased in multiple final plats shall be submitted as indicated on the phasing schedule submitted with the preliminary plat.

5.1.2 Final 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 Subdivision Review Officer, who shall review all materials in order to determine whether the final plat is complete. If there are no deficiencies, the final plat shall be deemed complete for review and written notice to the Subdivider provided. The initial review should be complete within fifteen (15) days of the date of application. If the final plat is incomplete or does not comply with the requirements herein, the Subdivider shall be notified. The Subdivider shall have one hundred eighty (180) days to correct the deficiencies and return the final plat for consideration. The Subdivision Review Officer may extend the time period for good cause shown. If the deficiencies are not corrected within one hundred eighty (180) days plus any extension granted by the Subdivision Review Officer, the plat shall expire.

Section 5.2. Decision on Final Plat

5.2.1 Action

Final plats submitted to the County for approval shall be approved or disapproved by the Board of County Commissioners at a public meeting within thirty (30) days after the date the final plat is deemed complete or at the next regularly scheduled meeting; provided, however, where a proposed subdivision proposed for final plat approval lies within the concurrent platting jurisdiction of a municipality as set forth in N.M.S.A. 1978, § 3-20-9, no further action shall be taken on the application for final plat approval until such time as the municipality has given its final approval. If the public hearing was held previous to the approval of a municipality, the Board of County Commissioners shall take action on the request within thirty (30) days of the date upon which it receives notice of the action of the municipality, or at the next regularly scheduled meeting.

5.2.2 Disapproval

The Board of County Commissioners shall not disapprove 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. Disapproval of a final plat shall be accompanied by a written finding identifying the requirements that have not been met. Such written finding shall be provided to the Subdivider within ten (10) days of disapproval.

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, the Board of County Commissioners shall, as a condition preceding approval of the final plat, require the Subdivider to enter into an agreement with the County, on mutually agreeable terms, to thereafter complete the improvements at the Subdivider's expense.

5.2.4 Failure To Act

If the Board of County Commissioners does not act upon a final plat within the required period of time, the Subdivider shall give the Board of County Commissioners written notice of its failure to act. If the Board of County Commissioners fails to approve or disapprove 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 original drawing of the final plat shall be submitted in waterproof ink on Mylar or other durable material suitable for reproducing copies. Final plat maps shall be drawn at a scale of two hundred (200) feet to one (1) inch or larger and printed on sheets no larger than eighteen by twenty-four (18 x 24) inches. When more than one sheet is used to include the entire subdivision, all sheets shall be cut to the same size and shall show appropriate references to other sheets of the subdivision. ~~In addition to the Mylar original, the Subdivider shall submit three (3) paper "blueline" copies of the final plat map and accompanying information. If available, the subdivision linework and lot numbers should also be submitted in electronic format such as "Autocad" or "DXF."~~ The survey linework and lot numbers shall be submitted in electronic format acceptable to the Subdivision Review Officer.

5.3.2 Map Specifications

The final plat map shall include all material required to be included on the preliminary plat map as set forth in Section 4.5.3, herein, as well as the following additional information:

- a. permanent monuments, or descriptions, and ties to such monuments, to which all dimensions, angles, bearing, and similar data on the plat shall refer;
- b. property survey of all features which complies with the Minimum Standards for Surveying in New Mexico;
- c. 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;
- d. name, right-of-way width, and centerline data of each road or other right-of-way;
- e. number of each parcel in progression, with its dimensions, and the dimensions of all land dedicated for public use;
- f. names of owners of record of contiguous unplatted land;
- g. the certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey; and
- h. define the subdivision and all roads by reference to permanent monuments.

5.3.3 Affidavit

The final plat shall contain a statement that the land being subdivided is subdivided in accordance with the final plat. The final plat shall be acknowledged by the owner and Subdivider or their authorized agents in the manner required for the acknowledgment of deeds. The final plat 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.

5.3.4 Dedication

The final plat shall contain a certificate stating that the Board of County Commissioners has accepted, accepted subject to improvement, or rejected, on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication. On full conformity with County road construction standards, a road may be accepted for maintenance by the County. Acceptance of a dedication on a final plat shall not be effective until the plat is filed in the Office of the County Clerk or until a resolution of acceptance by the Board of County Commissioners is filed in the office of the County Clerk.

5.3.5 Disclosure Statement/Plat

For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix A 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 copy of the final 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.

5.3.6 Land Sales Act

Any Subdivider who has satisfied the disclosure requirements 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.

5.3.7 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.

5.3.8 Recording

The final plat shall be recorded in the office of the County Clerk immediately upon approval by the Board of County Commissioners. **The Subdivider shall provide the recording fees required by the County Clerk.**

5.3.9 Limitation

The Board of County Commissioners shall not approve the plat of any subdivision if the **S**ubdivider cannot reasonably demonstrate that he can fulfill the proposals contained in his disclosure statement or if the **S**ubdivider has not conformed with the New Mexico Subdivision Act and the County's Subdivision Regulations. Financial security to assure the completion of all improvements that the **S**ubdivider proposes to build or maintain may be required before final plat approval or as a condition of final plat approval.

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 Requirement/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 contradiction 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 reference 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 recorded in the office of the County Clerk of the county in which the subdivision is located. If a subdivision lies within more than one county, the final plat shall be approved by the Board of County Commissioners of each county in which the subdivision is located and shall be recorded in the office of the County

Clerk of each county in which the subdivision is located. **The approval of the County Treasurer, or designee, is required to ensure that all taxes, penalties, interest and fees through the current taxable year are paid prior to real property being divided or combined.**

5.5.2 Relevant Documents

The **S**ubdivider shall furnish the Board of County Commissioners a sample copy of sales contracts, leases and any other documents which will be used to convey an interest in the subdivided land.

5.5.3 Permanent Marks

All corners of all parcels and blocks within a subdivision shall be marked in accordance with Article 8 and Minimum Standards for Surveys in New Mexico.

Section 5.6. Recording Parcels

5.6.1 Recording Required

Any person who sells, leases for an initial term plus option terms in excess of five (5) years, or otherwise conveys any interest in any parcel located in whole or in part in the County, shall record the deed, lease, real estate contract, notice of lease, notice of real estate contract, or other document of conveyance with the office of the County Clerk as soon as practicable. A memorandum of lease or notice of real estate contract may be recorded in lieu of recording the lease itself, as provided in N.M.S.A. 1978, § 14-9-1, as amended.

5.6.2 Form and Certification

Any deed, lease for an initial term plus option terms in excess of five (5) years, real estate contract, notice of lease, notice of real estate contract, or other document used to convey any interest in any parcel located in whole or in part in the County shall be in a form acceptable for recording and duly acknowledged and certified as required by the provisions of N.M.S.A. 1978, § 14-8-4, as amended.

Section 5.7. Water Permits

A water permit from the State Engineer is not required to receive preliminary ~~or final plat~~ approval.

As per N.M.S.A 1978, § 47-6-11.2, for a subdivision containing ten or more parcels, any one of which is two acres or less in size, the Subdivider shall provide proof of a service commitment from a water provider and an opinion from the State Engineer of adequate water supply, or an appropriate water permit, before final plat approval.

As per N.M.S.A. 1978, §47-6-11.4, on land from which irrigation water rights have been

severed after April 4, 2013, the Subdivider shall provide proof of a service commitment from a water provider and an opinion from the State Engineer of adequate water supply, or an appropriate water permit, before final plat approval.

ARTICLE 6. SUMMARY REVIEW PROCESS

Section 6.1. Summary Review Procedure

6.1.1 Eligibility

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

- a. any Type Three subdivision containing five (5) or fewer parcels of land, unless the land within the 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. any Type Five subdivision.

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 Plat/Application/Fee

A Subdivider shall prepare **copies of** a summary review plat and supporting documentation **in such numbers sufficient for review** in accordance with the requirements provided in this Article. **Supporting documentation shall include, but is not limited to, documentation that any lien holder, or title company in lieu of lien holder, acknowledges plat. ~~The summary review plat shall be considered as a final plat suitable for recording in the office of the County Clerk.~~** Summary review plat submittal is initiated by completing an application on a prescribed form obtainable from the Subdivision Review Officer, and upon payment of the required administrative fee. **The survey linework and lot numbers shall be submitted in electronic format acceptable to the Subdivision Review Officer.**

6.1.4 Plat Deemed Complete

On receipt of the application, fee, summary review plat, and supporting documentation, the Subdivision Review Officer shall review all materials in order to determine if the summary review plat is ready to review. If there are no deficiencies, the summary review plat will be deemed complete for review and the Subdivider notified. The initial review should be completed within ten (10) 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 of any deficiencies.

6.1.5 Review and Approval

Summary review plats submitted for ~~review approval~~ shall be reviewed, and given preliminary approval or disapproval ~~approved or disapproved~~ by the Subdivision Review Officer within thirty (30) days of the date the summary review plat is deemed complete. Revised summary review plats must be submitted to the Subdivision Review Officer for final approval. If the summary review plat is not signed by the Subdivision Review Officer within twelve (12) months after receipt of all review materials, the application for summary review shall expire. An extension may be granted by the Subdivision Review Officer.

6.1.6 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 Subdivision Review Officer shall, as a condition precedent to 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.

6.1.7 Failure to Act

If the Subdivision Review Officer 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 Subdivision Review Officer 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 Plat - Substantive Requirements

6.2.1 Filing Specifications

The ~~original final~~ drawing of the summary review plat shall be submitted in waterproof ink on Mylar 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 eighteen by twenty-four (18 x 24) inches. When more than one sheet is used to include the entire subdivision, all sheets shall be cut to the same size and shall show appropriate references to other sheets of the subdivision. ~~In addition to the Mylar original, the Subdivider shall submit three (3) paper "blue-line" copies of the summary review plat map and accompanying information.~~

6.2.2 Plat Map Specifications

The summary review plat map shall include the following information:

- a. title, scale, north arrow, date, bar scale, and type of subdivision;
- 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, locatable 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 locatable easements;
- g. delineation of any serious flood hazards and of the 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, townships, and section within which the subdivision is located;
- j. permanent monuments, or descriptions, and ties to such monuments, to which all dimensions, angles, bearing, and similar data on the plat shall refer;
- k. 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;
- l. number of each parcel in progression, with its dimensions, and the dimensions of all land dedicated for public use; and
- m. shall define the subdivision and all roads by reference to permanent monuments-; and
- n. signature block for the Subdivision Review Officer, County Floodplain Manager, and County Treasurer.

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 agent, 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 Subdivision Review Officer 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 a dedication on a summary review plat shall not be effective until the summary review plat is recorded in the Office of the County Clerk or until a resolution of acceptance by the Board of County Commissioners is recorded in the Office of the County Clerk.

6.2.5 Disclosure Statement

A disclosure statement shall be prepared in accordance with the standardized format provided in Appendix A 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.

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 and these Regulations. However, any information required in the New Mexico Subdivision Act and these Regulations 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 Section 5.4 of these Regulations shall be applicable to summary review plats.

6.2.8 Required Improvements and Design Standards

Each subdivision eligible for summary plat review pursuant to this Article shall comply with the minimum design requirements of the New Mexico Subdivision Act and the design standards set forth in Sections 8.1, 8.2, and 8.3 of these regulations. No separate water supply plan, water quality plan, liquid waste disposal plan, solid waste disposal plan or terrain management plan shall be required beyond that which is necessary to complete the disclosure statement. The Subdivider shall not be required to provide improvements such as irrigation water, fire protection, fencing, water, liquid waste systems, and solid waste disposal unless otherwise required by law. Where improvements are to be provided by the Subdivider, the improvements provided must fully comply with the design standards and requirements of Article 8. The disclosure statement must clearly disclose which improvements are to be provided and which will not be provided.

As per N.M.S.A. 1978, § 47-6-11.2, for a subdivision containing ten or more parcels, any one of which is two acres or less in size, the Subdivider shall provide proof of a service commitment from a water provider and an opinion from the state engineer of adequate water supply, or an appropriate water permit, before final plat approval.

As per N.M.S.A. 1978, § 47-6-11.4, on land from which irrigation water rights have been severed after April 4, 2013, the Subdivider shall provide proof of a service commitment from a water provider and an opinion from the state engineer of adequate water supply, or an appropriate water permit, before final plat approval.

~~6.2.9 Variance from Design Standards~~

~~Within fifteen (15) days of the pre-application conference required by Section 6.1.2 of these regulations, an Applicant may submit a written request to the Board of County Commissioners for a variance from some or all of the design standards established in Section 6.2.8 of these regulations. The application shall be in a form prescribed by the Subdivision Review Officer and shall be accompanied by the fee required by Article 9. The Board shall consider the application within 30 days of the filing of the application. By filing the Application for Variance, the Applicant agrees that the time for the Subdivision Review Officer to act shall be tolled until the first working day following action by the Board of County Commissioners.~~

Section 6.3 Denial of Summary Review Plat ~~if~~ Proposed Summary Subdivision ~~is~~ Found ~~to be~~ Part of a Common Promotional Plan

In the event the Subdivision Review Officer determines that a proposed summary review plat is a part of a common promotional plan as the same is defined in Article 2 of these regulations, the Subdivision Review Officer shall disapprove the proposed summary review plat.

ARTICLE 7. SPECIAL PROCEDURES

Section 7.1. Succeeding Subdivisions

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

Section 7.2. Vacation of Plats; Approval; Duties of County Clerk; Effect

7.2.1 Grounds

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 the owners of the land proposed to be vacated prepare and sign a vacation plat, declaring the final plat or a portion of the final plat to be vacated and showing the same; and the vacation plat is approved by the Board of County Commissioners of the County within whose platting authority the vacated portion of the subdivision is located.

7.2.2 Application and Review For Vacation

Any final plat filed in the office of the County Clerk, or portion thereof, may be vacated upon application by the owners of the land proposed to be vacated, payment of the required administrative fee, and upon submission of the owners of the land proposed to be vacated of an acknowledged statement declaring the final plat or a portion of the final plat to be vacated. **Copies of the vacation plat in numbers sufficient for review and supporting documentation shall be submitted to the Subdivision Review Officer. Once the application is deemed complete, the Subdivision Review Officer shall review the application documents within fourteen (14) days and advise the applicant of any necessary revisions. Supporting documents shall include, but are not limited to, documentation that any lien holder, or title company in lieu of lien holder, acknowledges plat. Supporting documents should also include letters of support for vacation from adjacent landowners and utility companies. If a revised vacation plat is not received within twelve (12) months after receipt of the completed application, the application for exemption shall expire. An extension may be granted by the Subdivision Review Officer.**

7.2.3 Decision on Vacation

Within sixty (60) days after the date of receipt of the **revised vacation plat accompanying the** request for vacation, the Board of County Commissioners shall approve or deny the request. 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, and shall determine whether to approve the acknowledged statement of the owners of the land proposed to be 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.

7.2.4 Filing

The approved vacation plat declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk which the final plat is filed. 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 vacation plat is recorded. The Plat shall be deemed vacated upon recording.

7.2.5 Utilities

The rights of any utility existing prior to the vacation, total or partial, of any final plat shall not be affected by the vacation of a final plat.

Section 7.3. Variances

7.3.1 Grounds - Unusual Conditions

The Subdivider may apply to the Board of County Commissioners for a variance from any portion of these Regulations caused by unusual conditions, not caused by the actions of the Subdivider or Property Owner.

7.3.2 Grounds - Planned Development Area

The Board of County Commissioners may also 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 Board of County Commissioners provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants and other legal provisions as will assure conformity to and achievement of the plan.

7.3.3 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 Board of County Commissioners may require such conditions as will substantially secure the objectives of the standards of these Regulations; and 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.

7.3.4 Procedures

The following procedures and requirements shall apply to each request for variance under these Regulations.

Each request shall be submitted in writing (prior to or at the time of a request for preliminary plat approval, **Exemption Plat Map approval, or Summary Review Subdivision approval**) on the prescribed form available from the Subdivision Review Officer. Payment of the required administrative fee shall accompany each application for variance.

- a. Each request shall be considered at the same time as the application for preliminary plat approval, **Exemption Plat Map approval, or Summary Review Subdivision approval**.
- b. **If a variance is requested for a preliminary plat, E**each request shall be submitted along with the preliminary plat and supporting documentation to the review agencies. An opinion from each agency on the variance shall also be sought.
- c. The Board of County Commissioners shall make separate written findings of fact and conclusions of law on each requested variance.
- d. The decision and order shall be prepared, signed and filed within a reasonable time following the public meeting at which the variance is considered.

Section 7.4. Amendment

These Regulations may be amended from time to time as conditions warrant. Amendments shall be made in accordance with the New Mexico Subdivision Act, as amended.

Section 7.5. Exemptions

7.5.1 Approval Required

It is unlawful for any person to divide a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease, or other conveyance or for building development, whether immediate or future, unless such person either obtains approval for a subdivision as provided in these Regulations or files and obtains approval for a Claim of Exemption as provided in this Article. **Parcels of record conveyed after July 1, 1997, without a County-approved plat, must obtain County approval to be brought into compliance with these Regulations. Plat types that shall follow this review and**

approval process include, but are not limited to, Compliance Plats, and Easement Surveys, Replats, and Revised Plats at the discretion of the Subdivision Review Officer.

7.5.2 Verification of Exemption

A pre-application conference is required before application for Exemption Plat Map review and approval. The pre-application process is described in Article 3 of these Regulations.

a. Application

Any person claiming an exemption under the provisions of these Regulations shall ~~submit file either a written claim of exemption on the form prescribed in Appendix B of these Regulations or, alternatively,~~ supporting documents and copies of an Exemption Plat Map sufficient for review, prepared according to the map specifications set forth herein. The survey linework and lot numbers shall be submitted in electronic format acceptable to the Subdivision Review Officer.

~~The written claim of exemption shall be filed with the Subdivision Review Officer before making the land division for which the claim of exemption is made.~~ Payment of the required administrative fee shall accompany each application for exemption.

b. Exemption Plat Map Specifications

The exemption plat map, ~~if used,~~ shall include the following information:

- i. a title of the exempt land division which includes (in a prominent place on the plat and in large lettering) the phrase "exemption survey" (e.g. "Smith Exemption Survey, an exempt land division"), and shall not otherwise contain the word "subdivision" or refer to the property as a "subdivision";
- ii. names and owners of land to be divided;
- iii. identification numbers ~~or letters for each lot on a plat with more than one lot;~~
- iv. legal description indicating the range, township and section within which the subdivision is located;
- v. **Owner's Certificate of Intent:** a sworn statement of the grounds for the claim of exemption, acknowledged by the owner, ~~S~~subdivider, or authorized agent, as follows:

"I, (name of owner) claim an exemption from the requirements of the New Mexico Subdivision Act and the San Juan County Subdivision Regulations for the following

reason(s). I certify that this transaction involves: (here state the reason(s) for the claimed exemption - use the language from N.M.S.A. 1978, § 47-6-2-M. and/or Article 2 of these Regulations) ~~the Claim of Exemption form set forth in Appendix B of these Regulations~~). I further certify that the information provided by me in this Claim of Exemption Plat is true and accurate and that all documents presented in support of my application for an Exemption are originals and are true, complete and correct copies of the originals."

vi. a signature block for the Subdivision Review Officer, **County Floodplain Manager, and County Treasurer**, which contains a statement that the foregoing claim of exemption has been approved and the date, as follows:

"The Claim of Exemption shown hereon was duly submitted to the San Juan County Subdivision Review Officer and is hereby approved and accepted for recording, this _____ day of _____, 20 .
Signed: _____
Subdivision Review Officer."

vii. **Affidavit: The Exemption Survey shall be acknowledged by the owner and Subdivider or their authorized agents in the manner required for the acknowledgment of deeds. The Exemption Survey shall be accompanied by an affidavit of the owner and Subdivider, or authorized agents, stating whether or not the proposed Exemption Survey lies within the subdivision regulation jurisdiction of the County.**

viii. **Access and utility easement: Access to each buildable parcel by access and utility easement must be provided. Access easements shall have a minimum width of twenty (20) feet.**

c. Action

On receipt of the fee, plat and supporting documentation, the Subdivision Review Officer shall review the claim of exemption and supporting documents and shall mail written notice which states whether the exemption ~~is~~ can be approved or is denied to the person claiming the exemption within ~~ten (10)~~ fourteen (14) days after receipt of the completed claim of exemption; provided, however, that the ~~ten (10)~~ fourteen (14) day period shall not begin to run until the person claiming

the exemption has delivered a completed Claim and all supporting documents to the Subdivision Review Officer. **Supporting documents shall include, but are not limited to, documentation that any lien holder, or title company in lieu of lien holder, acknowledges plat.**

d. Approval

If the claim of exemption ~~is can be~~ approved, or if the Subdivision Review Officer fails to mail written notice to the claimant within ~~ten (10)~~ **fourteen (14)** 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. **To finalize approval, the claimant must submit the revised Exemption Plat Map for approval. Deeds or real estate contracts completing all changes shown on the plat must be recorded within two weeks of the plat recordation unless reason for delay is submitted to the Subdivision Review Officer.**

e. Denial

If the claim of exemption is denied, the person claiming the exemption may appeal the denial as provided in Article 10 of these Regulations or may submit an application for a subdivision as provided in these Regulations.

f. Expiration

If the Exemption Plat Map is not approved within twelve (12) months after receipt of the completed claim of exemption, the application for exemption shall expire. An extension may be granted by the Subdivision Review Officer.

7.5.3 Roads and Property Dedicated to Public Use

No streets or easements or public property of any kind shall be dedicated to the County on an exemption plat. No purported dedication of any such property shall be effective on an exemption plat, and the County shall not, by approving any exemption or exemption plat, accept such property. **No maintenance will be done by the County unless accepted for maintenance by the Board of County Commissioners.**

Section 7.6. Protection of Cultural Properties, Archaeological Sites and Unmarked Burials

7.6.1 Unmarked Human Burials

a. Unmarked Burial Grounds

According to State law, any human burial in the State of any unmarked burial ground is accorded the protection of law and shall receive appropriate and respectful treatment and disposition.

b. Permit Required

All Subdividers shall comply with the requirements of N.M.S.A. 1978, § 18-6-11.2, as amended, 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.

7.6.2 Registered Cultural Properties

Any person desiring to subdivide land in the County shall demonstrate that they have reviewed the latest edition of the State Register of Cultural Properties ("the Register") that has been provided to the County by the State Historic Preservation Division, and if there are no such properties entered in the Register that are within the boundaries of the proposed subdivision, the Ssubdivider shall provide a signed affidavit to that effect in the application package for subdivision approval; or if any such properties entered in the Register exist within the boundaries of the proposed subdivision, the Ssubdivider 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, N.M.S.A. 1978, §§ 18-6-1 through 18-6-17 (as amended).

ARTICLE 8. REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

This Article outlines general requirements for subdivision design, which apply to all subdivisions except where otherwise provided in these Regulations. The Subdivision Review Officer may suggest modifications in the subdivision design presented by the Subdivider. The Board of County Commissioners, as a condition for approval, may require modification in the proposed design.

Section 8.1. Surveys/Monuments

8.1.1 Surveys

The Courts require re-surveys to be performed "in the footsteps" of the original surveyor; therefore, original surveys should be performed so as to aid the retracement. Surveys will comply with regulations adopted by the New Mexico Board of Registration for Professional Engineers and Surveyors.

8.1.2 Monuments

Each subdivision shall be monumented so as to define the subdivision and all roads by reference to permanent monuments. N.M.S.A. 1978, § 47-6-3(A)(1) (Repl. 1995), as amended. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a road to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along sides of the roads.

Monuments shall be located in the ground at all angle points in boundaries of the subdivision; at all lot corners; at the intersection lines of roads within the boundaries of the subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of roads, alleys and lots. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point. At least two well separated subdivision boundary corners shall be set in concrete and so shown on the final plat.

Section 8.2. Subdivision Design

8.2.1 Lot Design

a. Arrangement

The size, shape, and location of all lots shall be such that there will be a minimum of foreseeable difficulties, for reasons of topography, soils, or

other conditions, in securing building permits, installing septic systems, or similar development actions.

b. Access

All lots shall front on either a public or private street. Double frontage lots shall, whenever practicable, be avoided.

c. Parking

Each lot shall have adequate space to park two (2) vehicles on the lot.

d. Utility Easements

Access to each parcel by utility easement must be provided.

8.2.2 Block Design

Unless restricted by topographical irregularity or other constraints, all blocks should have sufficient width to provide for two (2) tiers of lots of appropriate depths. The length, width, and shape of all blocks shall be such as are appropriate for the surrounding area and type of development. Generally, blocks should not be greater than two thousand (2,000) feet nor less than four hundred (400) feet in length.

Section 8.3. Streets

8.3.1 Design and Construction

All streets are to be designed and constructed so as to conform to the standards set forth in the San Juan County Road Policy, as amended.

8.3.2 Street Maintenance

No subdivision shall be approved in which streets are not dedicated to the County unless adequate provisions are made by the **S**ubdivider for street maintenance. The County may require a performance guarantee or an adequately funded maintenance agreement before approving such a subdivision. See also Section 4.5.6.

8.3.3 Permits

Approval of a subdivision which accesses a State or federal highway in such a manner as to require a permit pursuant to SHTD Rule 89-1(L) or other applicable law or rule, shall require presentation of the proper permit for such access. If a permit has not been issued at the time of final approval, final approval shall be

contingent upon the Ssubdivider obtaining the required permit.

Section 8.4. Other Design Considerations

The remaining sections outline additional design considerations. Any design-related item not specifically noted here or elsewhere within these Regulations, shall be designed and constructed to generally accepted standards, after consulting the Subdivision Review Officer and approval of the Board of County Commissioners.

Section 8.5. Irrigation Water in Subdivisions

8.5.1 Requirements

The plat and disclosure statement shall state whether or not irrigation water is being provided to the subdivision, and to which lots it is being provided if only certain lots are to be provided with irrigation water. If irrigation water is provided to the subdivision, the following items shall be required:

- a. documentation showing that valid water rights exist for said lots;
- b. documentation that the water delivery system is capable of delivering to each parcel of land proposed to be irrigated its share of the irrigation water;
- c. show the system through which irrigation water flows in reaching said lots from the river to the lot and show irrigation ditch easements from the main canal to said lots;
- d. state whether the lot owner is responsible for system maintenance for water coming to the property and leaving the property; and
- e. list any limitations for future division or alienation of water rights for said lots.

8.5.2 Irrigation Canal Setbacks

- a. Required setbacks of buildings and other structures and objects which could impede the passage of maintenance equipment shall be the following distances from the centerline of irrigation canals:

Decreed Diversion	Feet Uphill from Centerline	Feet Downhill from Centerline
0-10 c.f.s.	10 ft.	10 ft.
10-25 c.f.s.	20 ft.	25 ft.
25-50 c.f.s.	25 ft.	30 ft.
50+ c.f.s.	30 ft.	40 ft.

- b. This limitation of rights-of-way on irrigation canals shall apply only where the canal is built on gently sloped terrain, the slope of which does not exceed 10 percent, or one foot decrease in elevation for each ten feet horizontally. When the

canal is located in terrain which has a slope exceeding 10 percent, the downhill right-of-way limitation shall be increased a reasonable amount to accommodate fill for the ditch bank so that the bank may slope, no more steeply than on one (1) foot vertical per 1 1/2 feet horizontal.

~~e. All subdivisions shall be planned and located so that a building pad is available on each lot whose elevation is at least 1.0 foot above the level of the 100-year flood elevation as previously defined. All roads shall be designed so that they are fully useable during a 25-year storm.~~

Section 8.6. Fire Protection

8.6.1 Fire Flow Requirements

The following fire flow requirements are applicable to all types of subdivisions, except where otherwise provided in these Regulations. If lot sizes within the subdivision vary, based on the size classification outlined below, the Board of County Commissioners shall determine which classification is applicable.

8.6.2 Small Lots

Small lots, with a lot width at the building line of less than (80) feet wide require delivery of 500 gpm for two (2) hours. Fire hydrants shall be a maximum of 500 feet apart.

8.6.3 Medium Lots

Medium lots, with a lot width at the building line not less than eighty (80) feet wide and not more than two hundred (200) feet wide, and a depth of at least one and one half times the width shall require delivery of 250 gpm for two (2) hours. The maximum spacing requirements for fire hydrants, based on the width of the front lot line, are illustrated below.

Illustration - Fire Hydrant Spacing

<u>Width At Building Line</u>	<u>Maximum Spacing</u>
150-200 ft.	1000 ft.
100-150 ft.	750 ft.
80-100 ft.	500 ft.

8.6.4. Large Lots

Large lots, with a front lot line exceeding two hundred (200) feet wide, and a depth of more than three hundred (300) feet, do not require protection.

8.6.5. Hydrant Piping

All piping connecting hydrants shall be six (6) inches or larger, depending on flow requirements.

8.6.6. Storage Computation

Storage requirements shall be calculated based on the fire flow requirements plus domestic consumption.

8.6.7. Distance Calculation

Distance between fire hydrants shall be calculated along the street right-of-way.

8.6.8. Conflicts

When these requirements conflict with regulations established by a recognized water users association, the more stringent will apply.

Section 8.7. Fencing

Each subdivision adjoining open range, or in an area in which livestock is kept or allowed to remain, shall be contained within a perimeter fence of sufficient character so as to prevent any and all livestock from escaping through any portion of the fence. The perimeter fence shall be tied to the road or highway right-of-way fence. If any right-of-way fence is cut to provide access, the Ssubdivider shall install a cattle guard at the point of the cut or complete all perimeter fencing prior to cutting the right-of-way fence. The Ssubdivider shall have the responsibility of keeping the right-of-way fence intact until each adjoining lot is sold or leased. The Ssubdivider shall be responsible for maintaining the perimeter fence, unless specific provision is made in the disclosure statement assigning this responsibility to the purchaser or lessee.

Section 8.8. Water Supply

8.8.1 Water Supply Plan

Except as otherwise provided in these Regulations, any person seeking approval of a subdivision plat must submit a water supply plan.

8.8.2 Provided By Subdivider

For a type of subdivision where the Ssubdivider proposes to provide a domestic water supply, the following minimum requirements shall be met:

- a. the Ssubdivider shall provide at least 0.3 acre feet/parcel per annum unless supplemental irrigation, xeriscaping, mandatory water conservation is provided or

other mitigating circumstances exist, at a peak flow rate of 180 gallons per hour per dwelling, in addition to fire flow requirements outlined elsewhere in these Regulations; and

b. the Ssubdivider shall provide for the completion of any proposed system in accordance with applicable minimum design standards of the New Mexico Environment Department (NMED).

8.8.3 Type I or Type II Subdivision

For Type I or II Subdivisions, the Ssubdivider shall provide a water supply plan for domestic uses and fire flow requirements, unless fire protection is not required, pursuant to Article 8, Section 8.6 of these Regulations. The water supply plan shall be prepared by or under the direction of a registered professional engineer and shall include the following information:

- a. plans and specifications for diversion, storage, and distribution facilities, and a time schedule for their completion;
- b. information showing the volume and peak rate of production of water required in each month to supply each use full development of the subdivision;
- c. a geohydrologic report, if part or all of the supply is to be obtained from groundwater sources;
- d. a hydrologic report, if part or all of the supply is to be obtained from surface water sources, containing the following information: Source of water supply, drainage area above the point of diversion, analysis of relevant historical runoff records, projected water supply available for the subdivision requirements, life expectancy of the water supply under full development of the subdivision, and a description of the means of water delivery; and
- e. if the Ssubdivider proposes that a municipality, water users association, private utility company, or any other private party provide water, the water supply plan shall also include:

1. documentation that the municipality, water users association, company, or party is ready, willing and able to provide water to the subdivision; and
2. a statement from the municipality, water users association, company or party indicating the quantity of water available to the subdivision and any conditions or limitations pertaining to the use of water.

8.8.4 Type III, IV, and Type V Subdivisions

a. Water Supplied By the Subdivider

Domestic water supply may be provided by the Ssubdivider, or the purchaser or lessee of each parcel may be required to provide domestic water at his or her own expense. To the extent that the water supply is provided by the Ssubdivider, the requirements of Section 8.8.3., above, shall apply.

b. Water Supplied By Owners

If the domestic water supply is to be furnished by the purchaser or lessee of each parcel, the Board of County Commissioners may require the **S**ubdivider to submit reports (as outlined above), prepared by or under the supervision of a registered professional engineer. If the reports are not provided to the County and available to the purchaser or lessee, it should be clearly stated in the Disclosure Statement that domestic water may not be available for use within the subdivision.

Section 8.9. Water Quality

8.9.1 Water Quality Requirements

Except as otherwise provided in these Regulations, conformance with the water quality requirements of this section is required for preliminary plat approval.

a. Primary (Health Related) Drinking Water Contaminants

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 the New Mexico Drinking Water Regulations (20 NMAC 7.1).

b. Secondary (Esthetic Related) Drinking Water Contaminants

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) recommended at the time of the application for preliminary plat approval by the New Mexico Environment Department.

If the level for any contaminant exceeds the recommended SMCL, the **S**ubdivider 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. Siting of Water Supply Sources

The location of a water supply source shall conform with the siting requirements of the New Mexico Drinking Water Regulations (20 NMAC 7.1).

d. Disclosure Statement

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

e. Final Plat Requirements

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

8.9.2 Water Quality Plan

For a Ssubdivider to document conformance with the water quality requirements of these Regulations and the New Mexico Subdivision Act, a water quality plan shall accompany the preliminary plat submittal, except as otherwise provided in these Regulations. The water quality plan shall include the information listed in Subsections a., and Subsection b., or c., or d. of this section, as applicable.

a. General Information

A water quality plan shall:

1. state the Ssubdivider's name and mailing address;
2. state the date the plan was completed;
3. state the Ssubdivider's proposal for meeting the water quality requirements of these Regulations;
4. be accompanied by a copy of the Ssubdivider's disclosure statement on water quality;
5. be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these Regulations.

b. New Public Water Supply System

If the means of water supply will be a new public water supply system the following information shall be submitted as part of the water quality plan:

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 the New Mexico Drinking Water Regulations (20 NMAC 7.1) 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. Existing Public Water Supply System

If the means of water supply will be connection to and extension of an existing public water supply system, the following information shall be submitted as part of the water quality plan:

1. a water quality analysis of a representative water sample for alkalinity, aluminum, calcium, chloride, color, 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. Private Water Supply System

If the means of water supply will be private water supply systems, the following information shall be submitted as part of the water quality plan:

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 the New Mexico Drinking Water Regulations (20 NMAC 7.1) 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.

Section 8.10. Water Conservation

8.10.1 Applicable Building Codes

All new construction shall conform to the requirements of the Uniform Building Code and the Uniform Plumbing Code as required by New Mexico Statutes and the New Mexico Construction Industries Division.

8.10.2 Landscaping

Low water use landscaping techniques applying the principles of xeriscaping are encouraged.

8.10.3 Restrictive Covenants

Subdividers are encouraged to include statements on water conservation requirements in the covenants for the subdivision.

Section 8.11. Liquid Waste

8.11.1 Liquid Waste Disposal Requirements

Conformance with the liquid waste disposal requirements of this section is required for preliminary plat approval, except as otherwise provided in these Regulations.

a. Community Liquid Waste System

A community liquid waste system shall be permitted, designed, and constructed, by the time of first occupancy within the subdivision, to comply with the New Mexico Ground and Surface Water Quality Protection Regulations (20 NMAC 6.2); and, operated, maintained, and expanded as necessary to insure that the system will comply with 20 NMAC 6.2.

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 System

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. Individual liquid waste systems shall not be installed where an existing community liquid waste system is available for use within the subdivision, installed on a lot with a net lot size of less than 0.75 acre, installed in prohibitive soils (See Section 8.11.2.d), or installed at less than the setback distances required by the New Mexico Liquid Waste Disposal Regulations (20 NMAC 7.3). Privies (outhouses) or holding tanks shall not be permitted if a water supply system is to be used. The Subdivider shall disclose and covenant that the lots cannot be further divided or subdivided to lot sizes smaller than those approved for the subdivision.

c. Disclosure Statement

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

d. Final Plat Requirements

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.

8.11.2 Liquid Waste Disposal Plan

For a Subdivider to document conformance with the liquid waste disposal requirements of these Regulations and the New Mexico Subdivision Act, a liquid waste disposal plan shall accompany the preliminary plat submittal, except as otherwise provided in these Regulations. The liquid waste plan shall include the information listed in Subsections a., and Subsection b., or c., or d. of this section as applicable.

a. General Information

A liquid waste disposal plan shall:

1. state the Subdivider's name and mailing address;
2. state the date the plan was completed;
3. state the Subdivider's proposal for meeting the liquid waste disposal requirements of these Regulations;
4. be accompanied by a copy of the Subdivider's disclosure statement on liquid waste disposal; and
5. be accompanied by other relevant information as may be necessary for

determination of compliance with the liquid waste disposal requirements of these regulations.

b. New Community Liquid Waste System

If the means of liquid waste disposal will be a new community liquid waste system, the following information shall be submitted as part of the liquid waste disposal plan:

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 New Mexico Ground and Surface Water Quality Protection Regulations (20 NMAC 6.2).

c. Existing Community Liquid Waste System

If the means of liquid waste disposal will be connection to and extension of an existing community liquid waste system, the following information shall be submitted as part of the liquid waste disposal plan:

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. Individual Liquid Waste System

If the means of liquid waste disposal will be individual liquid waste systems, the following information shall be submitted as part of the liquid waste disposal plan:

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 defined below; and,
4. preliminary plans for the individual liquid waste systems if a system will serve more than one (1) connection.

For purposes of this subsection, a "suitable soil" has all of the following characteristics: a percolation rate from 5 to 60 minutes per inch; a ground slope from 0 to 8 percent; a soil depth to seasonal high ground water table or bedrock or other limiting soil layer of 8 or more feet; a location outside of a flood plain. A "limiting soil" has one or more of the following characteristics: a percolation rate faster than 5 or from 61 to 120 minutes per inch; a ground slope from 9 to 15 percent; a soil depth to seasonal high ground water table or bedrock or other limiting soil layer from 4 to 8 feet. A "prohibitive soil" has one or more of the following characteristics: a percolation rate slower than 120 minutes per inch; a ground slope greater than 15 percent; a soil depth to seasonal high ground water table or bedrock or other limiting soil layer less than 4 feet; a location within a flood plain.

Section 8.12. Solid Waste

8.12.1 Solid Waste Disposal Requirements

Conformance with the solid waste disposal requirements of this section is required for preliminary plat approval.

a. Collection and Disposal

At the time of first occupancy of the subdivision the Subdivider shall provide for disposal of solid wastes at an approved solid waste disposal facility. The Subdivider shall disclose whether a solid waste collection service exists to dispose of solid waste, whether the solid waste collection service has issued a statement of availability of solid waste collection and disposal, and the name, location and owner of the solid waste disposal site used by the collection service. At the time when five hundred (500) lots of the subdivision are occupied, the Subdivider shall provide for an approved solid waste collection system to collect and transport solid wastes to the disposal facility.

b. Disclosure Statement

The disclosure statement for the subdivision shall contain a description of the means of solid waste disposal for the subdivision.

8.12.2 Solid Waste Disposal Plan

For a Subdivider to document conformance with the solid waste disposal requirements of these Regulations and the New Mexico Subdivision Act, a solid waste disposal plan shall accompany the preliminary plat submittal. The solid waste plan shall include the information listed in Subsections a., and Subsection b., or c. of this section, as applicable.

a. General Information

A solid waste plan shall:

1. state the Subdivider's name and mailing address;
2. state the date the plan was completed;
3. state the Subdivider's proposal for meeting the solid waste disposal requirements of these Regulations;
4. be accompanied by a copy of the Subdivider's disclosure statement on solid waste disposal; and
5. be accompanied by other relevant information as may be necessary for determination of compliance with the solid waste disposal requirements of these Regulations.

b. Solid Waste Collection and Disposal Service

If the means of solid waste disposal will be by use of an existing solid waste collection service, the following information shall be submitted as part of the solid waste disposal plan:

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

c. Solid Waste Disposal Service

If the means of solid waste disposal will be by use of an existing solid waste transfer station or disposal site, the name, location, and travel distance from the main subdivision entrance to the solid waste transfer station or disposal site, the following information shall be submitted as part of the solid waste disposal plan.

Section 8.13. Terrain Management

8.13.1 In General

The Subdivider shall insure that the subdivision is adequately protected against

flooding, inadequate drainage and erosion. The Subdivider shall present to the County a Terrain Management Plan that details proposed terrain management for the subdivision, except as otherwise provided in these Regulations. The Terrain Management Plan shall include legible mapping at a scale of not less than one inch equals 200 feet, and narrative to address all points outlined below. The method for presentation of each item is identified in parenthesis. Items required to be mapped, unless otherwise noted, shall be shown on a map separate from the subdivision plat. The map shall also illustrate the outside perimeter of the site, and proposed lots and roads. The map shall be developed to illustrate the Existing Environment and the Proposed Environmental Conditions. Narrative sections should be typed as an attachment, and clearly identified. The Terrain Management Plan shall be signed by a professional Engineer, registered in New Mexico.

8.13.2 Existing Environmental Conditions

a. Topography - (Mapping)

All topography shall be mapped for the site, and any adjacent areas which may affect the design of the site. Contours should be shown at the following intervals:

1. Lots one (1) acre or larger - five (5) foot intervals.
2. Lots less than one (1) acre - two (2) foot intervals.

b. Drainage (Mapping)

All existing drainage channels shall be identified. Peak flows for the 25 year and 100 year storms shall be indicated for the points at which they enter and leave the development and at other relevant locations.

c. Soils and Subsurface Conditions - (Mapping and Narrative)

The types of soils located within the site should be identified. Soils data provided by the Soil Conservation Service may be used for this purpose.

8.13.3 Proposed Environmental Conditions

a. Topography - (Mapping and Narrative)

If any type of grading, leveling, cuts, fills, or similar work is proposed, this section must be addressed. Topography shall be mapped for the entire site and any adjacent areas where changes may be made as part of the development. Final grading contours shall be shown, except minor grading, such as to prepare a building pad, need not be shown. Grading or similar work shall not adversely affect the structural integrity, or access to,

any irrigation ditch.

b. Drainage Channels - (Mapping and Narrative)

If any changes in existing drainage channels are proposed, or new channels will be constructed, these should be illustrated on the map. Peak flows for the 25 year and 100 year storms shall be indicated for the points at which they enter and leave the development and at other relevant locations. This data shall be reported for both undeveloped and developed conditions. Increased runoff resulting from changes in topography shall be properly disposed of and shall not, without express permission, be channeled into irrigation ditches.

c. Soils and Subsurface Conditions - (Mapping and Narrative)

The general characteristics and development suitability of soils, and appropriate subsurface conditions, such as depth to groundwater, shall be reviewed in the narrative. Problem areas shall be identified. Mitigation measures shall be proposed as part of the narrative.

8.13.4 Implementation

a. Structures - (Narrative)

Specific comments and proposed actions shall be developed to address all items outlined above in Section 8.13.3.b., as they relate to roads and similar improvements. Structures shall be designed to pass the 25-year storm without substantial ponding.

b. Land and Water - (Mapping and Narrative)

1. Land

Specific comments and proposed actions shall be developed to address methods for soil stabilization, revegetation and similar means for preventing erosion.

2. Water

Specific comments and proposed actions shall be developed to deal with increased amounts of runoff resulting from development. **All subdivisions shall be planned and located so that a building pad is available on each lot whose elevation is at least 1.0 foot above the Base Flood Elevation (BFE) level of the 100-year flood elevation as previously defined. All roads shall be designed so that they are fully useable during a 25-year storm.**

ARTICLE 9. ADMINISTRATIVE FEES

Any person desiring to subdivide land in the County shall pay the **nonrefundable** administrative fees set by **Resolution** by the **Board of County Commissioners**. ~~for:~~

Preliminary plat	\$ 500 + \$ 15 per lot
Final plat	\$ 0
Summary review plat	\$ 200
Variance	\$ 100
Appeal	\$ 100
Claim of exemption	\$ 25
Statement of vacation	\$ 100
Copies of Materials For Interested Persons	\$ 0.50 per page (or cost for oversize items)
Copies of Subdivision Regulations	\$ 25

ARTICLE 10. APPEALS

Section 10.1. Appealable Decisions

10.1.1 Subdivision Review Officer

Any person who is adversely affected by a decision of the Subdivision Review Officer in approving or disapproving a subdivision plat may appeal to the Board of County Commissioners within thirty (30) days after the date of the action of the Subdivision Review Officer. The Board of County Commissioners shall hear the appeal and render a decision within thirty (30) days after receiving the notice of appeal.

10.1.2 Board of County Commissioners

Any person who is adversely affected by a decision of the Board of County Commissioners in approving or disapproving a subdivision plat may appeal to the District Court of the county in which the subdivision is located within thirty (30) days after the date of the action of the Board.

Section 10.2. Appeal Process

10.2.1 Standard of Review

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

10.2.2 Appellate Remedies

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 Notice of Appeal

The appeal shall be perfected by filing a written notice of appeal which sets forth the specific portion or portions of the decision being appealed. A copy of the decision or order being appealed shall be attached to the notice of appeal.

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, N.M.S.A. 1978, § 47-6-1 *et seq.* The remedies provided in these Regulations shall be cumulative and not exclusive.

Section 11.2. Penalties and Remedies

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

11.2.1 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 N.M.S.A. 1978, § 47-6-27.2, as amended, be disconnected.

11.2.2 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.

11.2.3 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. mandatory 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.

11.2.4 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 mandamus according to the provisions of the New Mexico Subdivision Act.

11.2.5 Criminal Penalties

- a. N.M.S.A. 1978, § 47-6-27, provides that:
 1. 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
 2. 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.

11.2.6 Private Remedies

a. N.M.S.A. 1978, § 47-6-27.1 provides that:

1. A. Any sale, lease or other conveyance of land within a subdivision subject to the New Mexico Subdivision Act, which subdivision has not been approved by the board of county commissioners, shall be voidable at the option of the purchaser, lessee or other person acquiring an interest in the subdivided land. The purchaser, lessee or other person acquiring an interest in the subdivided land may recover restitution of all money, property or other things paid to or received by the seller, lessor or other conveyer of the subdivided land. The action shall be brought within six years from the time of purchase, lease or other conveyance, in accordance with N.M.S.A. 1978, § 37-1-3.

2. Any purchaser, lessee or other person acquiring an interest in the subdivided land who suffers any loss of money or property, real or personal, as a result of any violation of the New Mexico Subdivision Act or any county subdivision regulation may bring an action to recover actual damages. The action shall be brought within six years from the time of purchase, lease or other conveyance, in accordance with N.M.S.A. 1978, § 37-1-3.

3. Any purchaser, lessee or other person acquiring an interest in the subdivided land who has purchased, leased or otherwise acquired an interest in land within an approved subdivision may bring an action in district court to compel specific performance of any proposed improvement set forth in a Subdivider's disclosure statement or in any document obligating the person signing the document to purchase, lease or otherwise acquire an interest in subdivided land or set forth in any advertising or promotional materials relating to the subdivided land. The action shall be brought within six years from the time of purchase, lease or other conveyance, in accordance with N.M.S.A. 1978, § 37-1-3.

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, section or parts of these Regulations or their application to other persons or circumstances. It is hereby declared to be the intent of the County that these Regulations would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included herein, and if the person or circumstances to which these Regulations or any part thereof are inapplicable had been specifically exempted therefrom.

ARTICLE 13. REPEAL AND EFFECTIVE DATE

These Regulations repeal the San Juan County Subdivision Regulations, approved and adopted December 21, 1982, as amended. These Regulations shall become effective on the 30th day of June, 1997. The first amendment to these Regulations was adopted on January 22, 1998, and became effective March 2, 1998. The second amendment to these Regulations was adopted on July 19, 2006, and became effective August 20, 2006. The third amendment to these Regulations was adopted on _____, 2020, and became effective _____, 2020. These Regulations will become effective thirty days after being filed with the San Juan County Clerk and the New Mexico State Records Administrator, whichever comes first.

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APPENDIX A

Required Disclosures

This Appendix outlines the requirements that must be met for Disclosure Statements and related disclosures including water supply and quality, terrain management, liquid and solid waste. Unless otherwise noted, all items apply to all types of Subdivisions.

SECTION 1. DISCLOSURE STATEMENT - SUBDIVISIONS CONTAINING FIVE OR MORE PARCELS

THE MATERIAL OUTLINED IN THIS SECTION MUST BE PROVIDED TO THE PROSPECTIVE PURCHASER OR LESSEE AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE SALE OR LEASE.

A. Purchaser Information Statement

The following statement must appear as the first page of the Disclosure Statement:

"PURCHASER INFORMATION STATEMENT

PLEASE READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS.

This Disclosure Statement is intended to provide you with enough information to permit you to make an informed decision on the purchase or lease of property described in this Statement. You should read carefully all of the information contained in this Statement before you decide to buy or lease the described property. You should be aware of the fact that various state agencies may have issued opinions on both the subdivision proposal and what is said in this Disclosure Statement about the proposal. These opinions, when required to be issued, whether favorable or unfavorable, are contained in this Disclosure Statement and should also be read carefully.

The Board of County Commissioners has examined this Disclosure Statement to determine whether the subdivider can satisfy what he 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. Further, this Disclosure Statement is not a recommendation or endorsement of the subdivision by either the County or State. It is only for informational purposes.

Finally, the Board of County Commissioners recommends that you see the property before buying or leasing it. However, if you do not see the property prior to purchasing or leasing it, you have six months from the time of purchase or lease to inspect the property. Upon inspecting the property, you have three days from the date of inspection to rescind the transaction and receive all of your money back from the subdivider. You must give the subdivider notice of your intent to rescind within three days of inspection of

the property."

B. General Information

This Section outlines the information that must be provided in the Disclosure Statement. Additional information may be required by the Board of County Commissioners. If an item is not applicable, it should be specifically stated in the Disclosure Statement.

1. Name of subdivision.
2. Name and address of subdivider.
3. Name and address of person in charge of sales or leasing in New Mexico.
4. Size of subdivision, total number of lots and total size in acres.
5. Size of largest parcel offered for sale or lease within the subdivision.
6. Size of smallest parcel offered for sale or lease within the subdivision.
7. Proposed range of selling or leasing prices at the time of Disclosure Statement preparation.
8. Financing terms: Information shall include interest, time price differential, amount paid as a discount, service charges, premium for credit life or other insurance if it is a condition for giving credit, closing costs, and any other information required by the Truth in Lending Act if not set forth above.
9. Name and address of holder of legal title.
10. Name and address of person having equitable title.
11. Condition of Title: Information shall include the number of mortgages, name of each mortgagee, balance owing on each mortgage, summary of the release provisions in each mortgage, number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser, the name of each person holding 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 the release provisions in each real estate contract, statement of any other conditions relevant to the state of title.
12. Statement of all restrictions or reservations of record subjecting the subdivided land to any unusual conditions affecting its use or occupancy.
13. Escrow Agent: Information shall include the name, address, and statement about whether or not the subdivider has any interest or financial ties with the escrow agent (must be stated).
14. Utilities and Irrigation Ditches: Information shall include name and address of each entity

providing phone service, electrical service, gas service, water, liquid waste disposal and solid waste disposal and irrigation water, and the estimated cost for each.

15. Installation of Utilities: Information shall have the date each utility will be available for use by the owner if the subdivider is providing utilities including, but not limited to, water, phone, electricity, gas, liquid waste disposal, and solid waste disposal.

16. Utility Location shall state the following: If utilities are to be provided, but not for all parcels within the subdivision, identify those parcels which will not be provided utilities, and which utility is not being provided.

17. Water Use: Information shall include whether or not there will be water for domestic use, commercial use or recreational use, including any limitation, physical or legal, anticipated for each use indicated.

18. Amount of Water: The subdivider shall describe 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. The subdivider shall provide a minimum daily quantity of water not less than a minimum of 0.3 acre feet/parcel per annum (unless supplemental irrigation, xeriscaping, mandatory water conservation is provided or other mitigating circumstances exist) for each parcel, and shall state the date on which water will be made available to each parcel. If water is provided by a regulated Water Users Association, attach a letter from the Association stating they are ready, willing, and able to supply domestic water.

19. Water Delivery: The subdivider must describe the means of water delivery within the subdivision.

20. Water System Extension: The subdivider must state what the prospective owner will be required to pay for the extension of water to his parcel if he wants water prior to the date scheduled by the subdivider.

21. Life Expectancy of the Water Supply: The subdivider shall state the life expectancy of each source of water supply, assuming full development of the subdivision.

22. Wells: The subdivider shall note if prospective owners must provide their own wells; if so, the subdivider shall outline the average, maximum and minimum depth to water in the subdivision if water is available only from subterranean sources, recommend depth of wells, the estimated yield in gallons per minute of wells completed to recommended total depths, the recommended pump settings and size, and lithological characteristics of formations through which the well is to be completed.

23. State Engineer's Opinion on Water: Attach the opinion received by the Board of County Commissioners from the State Engineer as to whether or not the subdivider can satisfy the proposals contained in this Disclosure Statement concerning water (except water quality), and whether or not the subdivider is conforming with these Regulations on water (except water

quality).

24. Water Quality: The subdivider must describe the quality of water in the subdivision available for human consumption. Water must meet the minimum water quality regulations of the New Mexico Environment Department.

25. New Mexico Environment Department's Opinion on Water Quality: Attach a summary of the opinion received by the Commission from the New Mexico Environment Department on whether or not the subdivider can furnish water of an acceptable quality for human consumption and whether or not the subdivider can fulfill the proposal made in the Disclosure Statement.

26. Liquid Waste Disposal: The subdivider shall describe the means of liquid proposed for use in the subdivision. Note: No other liquid waste disposal system may be used in a subdivision other than a system approved by the New Mexico Environment Department.

27. New Mexico Environment Department's Opinion on Liquid Waste Disposal: Attach a summary of the opinion received by the Commission from the New Mexico Environment Department on whether or not there are sufficient liquid waste facilities to fulfill the requirements of the subdivision and whether or not the subdivider can fulfill the proposals contained in his disclosure statement concerning liquid waste disposal.

28. Solid Waste Disposal: The subdivider shall describe the means of solid waste disposal that is proposed for use within the subdivision.

29. New Mexico Environment Department's Opinion on Solid Waste Disposal: Attach a summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on whether or not there are sufficient solid waste disposal facilities to fulfill the requirements of the subdivision and whether the subdivider can fulfill the proposal contained in the disclosure statement concerning solid waste disposal.

30. Terrain Management: The subdivider shall describe the suitability of the soils in the subdivision for residential use, whether permanent or seasonal; give the location of all lots with respect to any serious flood hazard or 100-year flood plain as designated by the Federal Emergency Management Agency; give the location of all lots located on slopes in excess of 15 percent; describe the surface drainage for all lots; describe the storm drainage systems including the completion date of any required to be constructed.

31. Soil and Water Conservation District's Opinion on Terrain Management: Attach a summary of the opinion received by the Board of County Commissioners from the Soil and Water Conservation District on whether or not the subdivider can satisfy the terrain management proposals made in this Disclosure Statement, and whether or not the subdivider is conforming with the County's regulations on terrain management.

32. Subdivision Access: Include name of town nearest the subdivision, distance from town to subdivision, name of route over which distance is computed, and outline any problems relating to access; also describe the width and type of surfacing of all roads; give the date on which all roads

will be completed; state whether the roads within the subdivision have been accepted or offered for maintenance by the County, and if not accepted, state who will maintain the roads and further state what measures have been taken to ensure that maintenance will take place.

33. State Highway Department's Opinion on Access: Attach a summary of the opinion received by the Board of County Commissioners from the State Highway Department on whether or not the subdivider can satisfy the access proposals made in this Disclosure Statement, and whether or not the subdivider is conforming with the County's regulations on access.

34. Development: The subdivider shall outline all homes, recreation structures, and other community improvements to be provided by the subdivider in the subdivision and not previously mentioned in this Disclosure Statement, and give the date on which these items will be completed.

35. Maintenance: The subdivider shall state the owner's maintenance and construction responsibilities not outlined elsewhere in the Disclosure Statement.

36. Adverse Conditions: For each subdivision containing 100 or more parcels, the subdivider shall state any activities or conditions adjacent to or nearby the subdivision which would subject the subdivided land to any unusual conditions affecting its use or occupancy.

37. Recreational Facilities: For each subdivision containing 100 or more parcels, the subdivider shall describe all recreational facilities, actual and proposed, in the subdivision.

38. Fire Protection: For each subdivision containing 100 or more parcels, the subdivider shall state the distance from the subdivision, the route over which the distance is computed, and indicate whether the fire department is staffed by volunteers or a full-time staff.

39. Police Protection: For each subdivision containing 100 or more parcels, the subdivider shall outline the various police units that would patrol the subdivision (sheriff's department, if applicable, municipal police, if applicable, or state police, if applicable).

40. Public Schools: For each subdivision containing 100 or more parcels, the subdivider shall list the name, distance of nearest elementary school and route over which distance is computed. List the name, distance of nearest secondary school and route over which distance is computed.

41. Hospitals: For each subdivision containing 100 or more parcels, the subdivider shall include the name and distance of nearest hospital and route over which distance is computed.

42. Shopping Facilities: For each subdivision containing 100 or more parcels, the subdivider shall include the distance of nearest shopping facilities and route over which distance is computed.

43. Public Transportation: For each subdivision containing 100 or more parcels, the subdivider shall outline whether or not the subdivision is served on a regular basis by any form of public transportation, and identify the type and service available.

44. Completion Dates: For each subdivision containing 100 or more parcels, the subdivider shall state the projected dates upon which any of the items mentioned above will be available if they are not yet available.

45. Recording: The subdivider shall state that the deed, real estate contract, lease or other instrument conveying an interest in subdivided land shall be filed with the San Juan County Clerk as soon as practicable after signing of such instrument by the purchaser, lessee or other person acquiring an interest in the land. A memorandum of lease may be recorded in lieu of recording the lease itself, as provided in N.M.S.A. 1978, § 14-9-1, as amended.

46. Permits: The subdivider shall advise each purchaser, lessee or other person acquiring an interest in subdivided land in writing that building permits, wastewater permits or other use permits are required to be issued by state or county officials before improvements are constructed; and that further, he or she is advised to investigate the availability of such permits before purchase, lease or other conveyance and whether there are requirements for construction of additional improvements before he may occupy the property.

SECTION 2. DISCLOSURE STATEMENT FOR SUBDIVISIONS CONTAINING UP TO FOUR PARCELS

A. Purchaser Information Statement

"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.

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.

Building permits, waste water 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."

B. General Information

1. NAME OF SUBDIVISION (Attach plat certified by Licensed Surveyor)

Name of Subdivision: _____

2. NAME AND ADDRESS OF SUBDIVIDER

Name of Subdivider: _____

Address of Subdivider: _____

3. CONDITION OF TITLE

Include at least the following information where applicable

Number of mortgages: _____

Name and address of each mortgagee: _____

Balance owing on each mortgage: _____

Summary of release provisions of each mortgage: _____

Number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser:

Name and address of each person holding a real estate contract as owner of the subdivided land for which the subdivider is making payments as a purchaser:

Balance owing on each real estate contract:

Summary of default provisions of each real estate contract:

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:

or attach to this disclosure statement and reference above.

5. UTILITIES: LIST NAME OF ENTITY PROVIDING UTILITY SERVICE AND ESTIMATE LOT OWNER COST TO HOOK UP.

<u>Name of Utility</u>	<u>Estimated Cost</u>
Electricity	
Gas Service	
Water	
Telephone	
Liquid Waste Disposal	
Solid Waste Disposal	

6. INSTALLATION OF UTILITIES: SHOW THE DATE EACH UTILITY WILL BE AVAILABLE.

<u>Name of Utility</u>	<u>Date Available</u>
Electricity	
Gas Service	
Water	
Telephone	
Liquid Waste Disposal	
Solid Waste Disposal	

7. UTILITY LOCATION: PROVIDE A BRIEF STATEMENT OF WHICH UTILITIES ARE TO BE PROVIDED TO EACH PARCEL AND WHICH UTILITIES WILL BE ABOVE GROUND OR UNDERGROUND

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. 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 HAVING A VALID PERMIT ISSUED BY THE NEW MEXICO ENVIRONMENT DEPARTMENT.

12. SOLID WASTE DISPOSAL

Describe the means of solid waste disposal that is proposed for use within the subdivision:

13. TERRAIN MANAGEMENT

Describe the suitability for residential use of the soils in the subdivision as defined in the Soil Survey of San Juan County developed by the USDA Soil Conservation Service:

Attach map showing subdivision and district's soil survey for San Juan County:

Describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures:

Identify by lot and block numbers all parcels within the subdivision that are subject to flooding:

Identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 8%:

Describe the surface drainage for all lots in the subdivision:

Describe the subsurface drainage for all lots in the subdivision:

Describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision:

14. SUBDIVISION ACCESS

Name of town nearest to subdivision:

Distance from nearest town to subdivision and the route over which that distance is computed:

Describe access roads to subdivision; state whether or not subdivision is accessible by conventional vehicle:

State whether or not subdivision is ordinarily accessible at all times of the year and under all weather conditions:

Describe the width and surfacing of all roads within the subdivision:

State 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:

15. 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:

16. CONSTRUCTION GUARANTEES (if applicable)

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

Describe all performance bonds, letters of credit or other collateral securing the completion of each proposed improvement:

17. 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:

18. 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:

19. POLICE PROTECTION

List the various police units that patrol the subdivision.

Sheriff's Department, if applicable:

Municipal Police, if applicable:

State Police, if applicable:

20. 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:

- ~~_____ the division of land created by court order where the order creates no more than one parcel per party.~~
- ~~_____ the division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities.~~
- ~~_____ the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. As used herein the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by birth or adoption.~~
- ~~_____ 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.~~
- ~~_____ the sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;~~
- ~~_____ the division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity.~~
- ~~_____ 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.~~

Exact location of property to be subdivided (legal description, in metes and bounds):

Exact description of resulting lots created by the exempt subdivision (legal description of resulting parcels, in metes and bounds, if available):

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

Signature

Print your name here

Address

City, state and zip code

Telephone number(s)

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

Notary Public

My commission expires:

FOR OFFICIAL USE ONLY

~~_____ The foregoing Claim of Exemption is 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: _____

Subdivision Review Officer

**COUNTY SUBDIVISION REGULATIONS
APPLICATION FOR PRELIMINARY PLAT APPROVAL**

INSTRUCTIONS

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

APPLICANT

1. Subdivider Name, Address, and Phone Number:

Date _____

Signature _____

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

Date _____

Signature _____

3. Engineer Name, Address, and Phone Number:

Date _____

Signature _____

4. Surveyor Name, Address, and Phone Number:

Date _____

Signature _____

SUBDIVISION INFORMATION

5. Name of Subdivision _____

6. Indicate if this is a succeeding subdivision, phased subdivision, or resubdivision:

7. Is this a Type One ___ Two ___ Three ___ Four ___ Subdivision? (check one)

8. Number of lots: _____ Total acreage: _____

Size of smallest lot: _____ Acres

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

_____.

SUPPLEMENTAL INFORMATION

- 10. If this is a succeeding subdivision, provide detailed attachments indicating the relationship between the proposed subdivisions and the previous subdivision.
- 11. If this is part of a phased subdivision, attach a master plan of all phases indicating the current proposed phase and an anticipated phasing schedule.
- 12. If this is a resubdivision, provide a reference to the original plat with an explanation of the proposed changes.
- 13. Supporting documentation required for the preliminary plat review as defined by the County Subdivision Regulations shall be attached to this application.
- 14. The required number of copies of the preliminary plat map as specified by the County Subdivision Regulations shall be attached to this application.
- 15. A draft copy of the disclosure statement shall be attached to this application and shall be in accordance with the standardized format provided in the County Subdivision Regulations.

PROCEDURAL INFORMATION (to be completed by County Staff)

- 16. Date application received by County _____ Initial _____
- 17. Date preliminary plat deemed complete _____ Initial _____
- 18. Date of public hearing _____
- 19. Date of preliminary plat approval _____

APPLICATION FOR FINAL PLAT APPROVAL

INSTRUCTIONS

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

GENERAL INFORMATION

- 1. Name of Subdivision _____
- 2. This is a Type _____ Subdivision

Number of Lots: _____ Total acreage: _____

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

Date _____

Signature _____

- 4. Engineer Name, Address, and Phone Number:

Date _____

Signature _____

5. Surveyor Name, Address, and Phone Number:

Date _____

Signature _____

SUPPLEMENTAL INFORMATION

- 6. Have any changes to the proposed subdivision been made since the preliminary plat was approved?_____If so, attach a detailed explanation of such changes.
- 7. Have the required improvements been completed?_____If not, attach improvement agreement to ensure completion of required improvements.
- 8. All affidavits, certificates, permits, and statements required for final plat review as defined by the County Subdivision Regulations shall be attached to this application.
- 9. The original drawing and required number of copies of the final plat map shall be attached to this application.
- 10. The final disclosure statement shall be attached to this application.

PROCEDURAL INFORMATION (To be completed by County staff)

11. Date of preliminary plat approval:_____Expiration Date: _____

12. Extension dates (if any, with explanation):

13. Date application received by County:

Initial: _____

14. Date final plat deemed complete:

Initial: _____

15. Date of final plat approval by County: _____

16. Date final plat filed with County Clerk: _____

**COUNTY SUBDIVISION REGULATIONS
APPLICATION FOR SUMMARY REVIEW PLAT APPROVAL**

INSTRUCTIONS

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

APPLICANT INFORMATION

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

SUBDIVISION INFORMATION

3. Location of Subdivision (attach map if necessary) _____
4. This is a Type Three ___ Five ___ Subdivision (check one)
5. Number of lots: _____ Total acreage: _____
Size of smallest lot: _____ Acres
6. Municipal planning and platting jurisdiction (if applicable): _____
_____.

SUPPLEMENTAL INFORMATION

7. If it is determined by the County to be necessary, attach an improvement agreement to ensure completion of required improvements.
8. All affidavits, certificates, permits, and statements required for summary review plats as defined by the County Subdivision Regulations shall be attached to this application.
9. The original drawing and required number of copies of the summary review plat map shall be attached to this application.

10. The final disclosure statement shall be attached to this application.

PROCEDURAL INFORMATION (To be completed by County Staff)

11. Date of pre-application conference: _____

Initial: _____

12. Date application received by County: _____

Initial: _____

13. Date summary review plat deemed complete: _____

Initial: _____

14. Date summary review plat approved by County: _____

15. Date summary review plat filed with County Clerk: _____

____ The foregoing Application for Summary Review is approved.

____ The foregoing Application for Summary Review is incomplete. Please provide the following information and/or documents so that your request for summary plat approval can be processed:_____.

____ The foregoing Application for Summary Review is hereby denied for the following reasons:

Date: _____

Subdivision Review Officer