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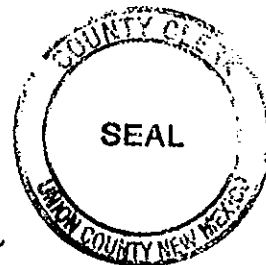
UNION COUNTY SUBDIVISION ORDINANCE
WITH APPLICABLE RESOLUTIONS

Ordinance No. 21-1997

As Approved on May 16, 1997

Effective: July 1, 1997

REAL ESTATE RECORDS BOOK 15
PAGE 287-282 UNION CO., N.M.,
FILED FOR RECORD
July 2 1997 AT 1:06 P.
FREIDA J. BIRDWELL, County Clerk
Freida J. Birdwell
RECORDER



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ARTICLE 1. GENERAL PROVISIONS

Section 1.1. Title

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

Section 1.2 Authority

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

Section 1.3. Purpose

These Regulations are adopted for the following purposes:

1. To provide for and protect the public health, safety, and general welfare of the County;
2. To guide the future growth and development of the County in accordance with any official plans adopted by the County;
3. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;
4. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
5. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movement appropriate to the various uses of land and buildings; and to provide for the proper location and width of streets;
6. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order

- to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land; and
7. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.

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, as provided in §§3.20.5 and 3.20.9 NMSA 1978.

Section 1.5. Written Decisions

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

Section 1.6. Interpretation

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

ARTICLE 2. DEFINITIONS

common promotional plan:

Any plan or scheme of operation, undertaken by a single subdivider or a group of subdividers acting in concert, to offer for sale or lease parcels of land where such land is either 1) contiguous to or part of the same area of land or

2) is known, designated or advertised as a common unit or by a common name

Board of County Commissioners:

Union County Board of County Commissioners, County of Union

contiguous:

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

disclosure statement:

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

final plat:

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

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

lease:

To lease or offer to lease land

parcel:

Unit of 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

preliminary plat:

Map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it; the map need not be based upon an accurate and detailed survey of the land

regulations:

This ordinance and any supporting, applicable Union County resolutions

resubdivision:

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

sell:

To sell or offer to sell land

subdivide:

To divide a surface area of land into a subdivision

subdivider:

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

subdivision:

Division of a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease, or other conveyance; or for building development, whether immediate or future; however, "subdivision" does not include:

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

however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member;

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

terrain management:

Control of floods, drainage and erosion, and measures necessary to adapt proposed development to existing soil

characteristics and topography

time of purchase, lease or other conveyance:

Time of signing any document obligating the person signing the document to purchase, lease, or otherwise acquire a legal interest in land

Type One subdivision:

Any subdivision containing five hundred (500) or more parcels, any one of which is less than ten (10) acres in size

Type Two subdivision:

Any subdivision containing twenty-five (25) or more, but not more than four hundred ninety-nine (499) parcels, any one of which is less than ten (10) acres in size

Type Three subdivision:

Any subdivision containing not more than twenty-four (24) parcels any one of which is less than ten acres (10) in size

Type Four subdivision:

Any subdivision containing twenty-five (25) or more parcels, each of which is ten acres (10) or more in size

Type Five subdivision:

Any subdivision containing not more than twenty-four (24) parcels, each of which is ten (10) acres or more in size

Types of Subdivisions

<u>Type</u>	<u>Number of Parcels</u>	<u>Size of Smallest Parcel</u>
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

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vacation:

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

ARTICLE 3. PRE-APPLICATION PROCESS

Section 3.1. Pre-Application Procedure

- 3.1.1. Conference, optional. For the purpose of expediting applications and reducing subdivision design and development costs, a subdivider may request an informal pre-application conference in accordance with the requirements provided in these Regulations. The pre-application conference is intended to provide general advice to the subdivider about the procedures and data requirements for subdivision review and approval in the County.
- 3.1.2. Summary procedure conference. All proposed subdivisions which qualify for approval under the summary procedure provided in Article Six of these Regulations shall begin with a pre-application conference.
- 3.1.3. Scheduling. At the request of the subdivider, the County Administrative Assistant shall schedule a pre-application conference in order for the subdivider to meet with appropriate County representative and to become acquainted with the necessary requirements for subdivision review and approval.
- 3.1.4. Fee. No fee shall be required for a pre-application conference.
- 3.1.5. Statements non binding. Neither the subdivider nor the County shall be bound by any statements made during the pre-application conference.

- 3.1.6. Application/forms. At the request of the subdivider, the County Administrative Assistant shall provide sufficient information and application forms for preliminary plat submittal in order to proceed with the County subdivision process and to fulfill the requirements of the New Mexico Subdivision Act.

Section 3.2. Pre-Application Data Requirements

- 3.2.1. Sketch plan. a sketch plan shall be prepared by the subdivider which shows the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area.
- 3.2.2. Additional information. In addition to the sketch plan and location map, the subdivider shall provide information including, but not limited to, the following:
- a. name and mailing address of the subdivider and designated agent, if any;
 - b. name of owner or owners of land to be subdivided;
 - c. a written description of the proposed subdivision
 - d. a description of surrounding land uses; and
 - e. accessibility of site to roads and utilities

ARTICLE 4. PRELIMINARY PLAT REVIEW PROCESS

Section 4.1. Preliminary Plat Submittal

- 4.1.1. Preliminary plat required. Preliminary plats shall be submitted for Type One, Type Two, Type Three, and Type Four subdivisions. Certain Type Three and all Type Five subdivisions are subject to review under the summary procedure set forth in Article Six of these Regulations.
- 4.1.2. Application/fees. A subdivider shall prepare a preliminary plat and supporting documentation in accordance with the requirements provided in these

Regulations. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the County Administrative Assistant and upon payment of the required administrative fees.

- 4.1.3. Plat deemed complete. On receipt of the application, fees, preliminary plat, and supporting documentation, the County Administrative Assistant shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat is deemed complete for review by written notice to the subdivider within forty five (45) days after the date of application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided in these Regulations, the subdivider shall be notified and be given a maximum time period of ninety (90) days to correct the deficiencies and return the preliminary plat for consideration.

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 Administrative Assistant 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. New Mexico State Engineer Office;
 - b. New Mexico Environment Department;
 - c. New Mexico Highway and Transportation Department;
 - d. Soil and Water Conservation District in which the proposed subdivision is located;
 - e. Any other public agencies the County considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision;
 - f. Appropriate school district board;

- g. Appropriate fire district chief;
- h. Union County Water, Agricultural and Wildlife boards; and
- i. Any existing local governmental agency who may be affected by the proposed subdivision, as determined by the Board of County Commissioners or its Administrative Assistant.

4.2.2. Agency response. The state and local agencies shall have thirty (30) days from their receipt of the preliminary plat to review and return an opinion regarding the preliminary plat. The County Administrative Assistant shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency. Any adverse agency response should detail all deficiencies.

4.2.3. Hearing deadlines. If the opinions received from all agencies are favorable, the County shall schedule a public hearing for consideration and action on the preliminary plat within thirty (30) days following the receipt of such favorable opinion. If the County does not receive a requested opinion within the specified thirty (30) days, it shall proceed with the required public hearing.

4.2.4. Adverse opinion. If any opinion from a public agency is adverse, the County Administrative Assistant shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the County within thirty (30) days to respond to the concerns of the appropriate agency. The County Administrative Assistant shall forward such additional information upon receipt to the appropriate agency which shall have thirty (30) days after the date the subdivider submits the additional information in order to revise its opinion. The County Administrative Assistant shall obtain receipts or other proof showing the date the additional information was received by each state

or local agency.

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

Section 4.3. Public Hearings on Preliminary Plats

- 4.3.1. Scheduling. The County shall conduct a public hearing within the time periods specified in these Regulations. Notice of the public hearing shall be given at least twenty-one (21) days before the hearing date.
- 4.3.2. Notice. The notice of public hearing shall be published in a newspaper of general circulation in the County and shall contain the following information:
- a. subject of the hearing;
 - b. time and place of the hearing;
 - c. manner for interested persons to present their views; and
 - d. place and manner for interested persons to get copies of any favorable or adverse opinion and of the subdivider's proposal.
- 4.3.3. Notification. Copies of the notice of public hearing shall be transmitted to the following:
- a. the subdivider filing the application for preliminary plat approval;
 - b. those public agencies which initially received copies of the preliminary plat and supporting documentation with a request for opinion;
 - c. any interested person who previously requested such notice and provided a stamped, self-addressed envelope for such purpose; and

d. owners of property contiguous to land proposed to be subdivided

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

4.3.5. Action. Within thirty (30) days of the public hearing, the Board of County Commissioners shall approve, approve with conditions, or disapprove the preliminary plat at a public meeting, the date, time, and place of which shall be announced publicly at the conclusion of the public hearing. The County Administrative Assistant shall inform the subdivider in writing of the decision of the Board of County Commissioners.

Section 4.4 Expiration of Preliminary Plat

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

4.4.2. Phased development. If the preliminary plat was approved for phased development, the subdivider may file final plats for portions of the development, and the expiration date of the preliminary plat shall be extended for an additional thirty-six (36) months after the date of the filing of each final plat. The number of phased final plats shall be determined by the Board of County Commissioners at the time of the approval or conditional approval of the preliminary plat.

4.4.3. Extension. Before the expiration date of the approved or conditionally approved preliminary plat, the subdivider may submit to the Board of County Commissioners an application for extension of the preliminary plat for a period of time not exceeding thirty-six (36) months.

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

Section 4.5. Preliminary Plat Data Requirements

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

- a. water is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
- b. water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination;
- c. there is a means of liquid waste disposal for the subdivision;
- d. there is a means of solid waste disposal for the subdivision;
- e. there are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel;
- f. terrain management protects against flooding, inadequate drainage and erosion;
- g. there are protections for cultural properties, archaeological sites and unmarked burials that may be directly affected by the subdivision, as required by the Cultural Properties Act;
- h. the subdivider can fulfill the proposals contained in the disclosure statement for the

- subdivision; and
- i. the subdivision will conform with the New Mexico Subdivision Act and these Regulations.
- 4.5.2. Minimum documentation. Supporting documentation shall, at a minimum, include:
- a. water supply plan including conservation, water quality, and fire protection components;
 - b. liquid waste disposal plan;
 - c. solid waste disposal plan;
 - d. accessibility of site to roads and utilities;
 - e. terrain management plan; and
 - f. cultural properties protection.
- 4.5.3. Filing specifications. The subdivider shall submit ten (10) copies of the preliminary plat and supporting documentation for local review and distribution to public agencies. Preliminary plat maps shall be prepared at a scale of two-hundred (200) feet to one (1) inch or larger, and printed on sheets no larger than 18" x 24" (eighteen inches by twenty-four inches). Sheets shall be numbered in sequence if more than one sheet is used.
- 4.5.4. Map specifications. The preliminary plat map shall show the following:
- a. title, scale, north arrow, and date;
 - b. existing topography and any regrading plans, indicating contour intervals sufficient for planning purposes;
 - c. existing and proposed boundary lines, in bearings and distances, for the subdivision;
 - d. proposed lot lines, with lot and block numbers, and approximate acreage of each lot;
 - e. the location, dimensions, and purpose of existing and proposed easements;
 - f. names and right-of-way widths of existing and proposed streets on and adjacent to the subdivision;
 - g. existing and proposed utilities on and adjacent to the site;

- h. locations, dimensions, and purpose of any land to be dedicated to the public use including any improvements to be made to that land;
- i. location of subdivision in relation to well-known landmarks;
- j. location of archaeological, historical, or culturally significant features on the site;
- k. delineation, if applicable, of any 100 year flood plan as designated by the Federal Emergency Management Agency;
- l. names and addresses of the owner or owners of land to be subdivided, the subdivider if other than the owner, and the land surveyor; and
- m. legal description indicating the range, township, and section within which the subdivision is located.

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

4.5.6. Disclosure statement. The preliminary plat shall be accompanied by a draft disclosure statement in accordance with the standardized format as adopted by the Board of County Commissioners by resolution or if no resolution applies, pursuant to applicable State Statute. A disclosure statement is required for all subdivisions. The purpose of the disclosure statement is to permit the prospective purchaser, lessee, or other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease, or other conveyance of the land.

ARTICLE 5. FINAL PLAT REVIEW PROCESS

Section 5.1 Final Plat Submittal

5.1.1. Conformity. Following approval or conditional approval of a preliminary plat, and before the expiration of the 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. Application/fees. 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 the prescribed form available from the County Administrative Assistant, and upon payment of the required administrative fees.

5.1.3. 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 the prescribed form available from the County Administrative Assistant, who shall review all materials in order to determine whether the final plat is complete. If there are no deficiencies the final plat will be deemed complete for review by written notice to the subdivider within thirty (30) days after the date of application. If the final plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be notified and will be given a maximum time period of thirty (30) days to correct the deficiencies and return the final plat for consideration.

Section 5.2. Decision on Final Plat

5.2.1. Action. Final plats submitted to the County for approval shall be approved or disapproved by the Board of County Commissioners at a public meeting within thirty (30) days after the date the final plat is deemed complete.

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

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

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

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

Section 5.3. Final Plat Data Requirements

5.3.1. Filing specifications. The original drawing of the final plat shall be submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Final plat maps shall be drawn at a scale of two hundred (200) feet to one (1) inch or larger and printed on sheets no larger than 18" X 24" (eighteen inches by twenty four 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. The subdivider shall also submit five (5) paper copies of the final plat map and accompanying information.

5.3.2. Map specifications. The final plat map shall include the following information:

- a. name of subdivision, scale, north arrow, and date;
- b. permanent monuments, or descriptions and ties to such monuments, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
- c. tract boundary lines, easement and right-of-way lines, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves;
- d. accurate description of legal access to, roads 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;
- e. name, right-of-way width, and centerline data of each road or other right-of-way;
- f. location, dimensions, and purpose of all easements and dedicated public sites;
- g. number of each parcel in progression, with its dimensions, and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting on or contiguous to the land;
- h. names of owners of contiguous unplatted land;
- i. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency, if available;
- j. the names of the owner or owners of the subdivision, and the developer if other than the owner;
- k. the certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey; and
- l. legal description indicating the range, township, and section within which the subdivision is located.

5.3.3. Affidavit. The final plat shall contain a

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

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

5.3.5. Disclosure statement. For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided by county resolution and if no county resolution is in place, in accordance with prevailing State Statues. It is unlawful to sell, lease, or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners, and the Attorney General's Office; and until the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

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

Section 5.4 Advertising Standards

- 5.4.1. Filing requirements. Copies of all brochures,

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

5.4.2. Requirements/restrictions. Brochures, disclosure statements, publications, and advertising of any form relating to subdivided land shall:

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

Section 5.5 Requirements Prior to Sale, Lease or other Conveyance

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

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

Section 5.6. Recording Parcels

- 5.6.1. Authority. §47-6-9(A)(17)NMSA 1978 requires counties to enact regulations for recording all conveyances of parcels with the County Clerk. As defined in the Act, the term "parcel" means land capable of being described by location and boundaries and not dedicated for public or common use.
- 5.6.2. Purpose. Recording conveyances of parcels provides anyone interested in acquiring land, and lenders, with important information about the condition of title. Recording conveyances of all parcels also provides public officials with information needed

to detect illegal subdividing. The purpose of this information is to protect buyers and lenders and to help enforce the Act and these Regulations by making all conveyances of parcels matters of public record.

- 5.6.3. Requirement. Any person who sells, leases for an initial term plus option terms in excess of five (5) years, or otherwise conveys any interest in any parcel located in whole or in part in the County shall record the deed, lease, real estate contract, notice of lease, notice of real estate contract, or other document of conveyance with the County Clerk no later than five (5) days after the closing or thirty (30) days after the date on which the document is signed, whichever comes first.
- 5.6.4. Form and certification. Any deed, lease for an initial term plus option terms in excess of five (5) years, real estate contract, notice of lease, notice of real estate contract, or other document used to convey any interest in any parcel located in whole or in part in the County shall be in a form acceptable for recording and duly acknowledged and certified as required by the provisions of §14-8-4 NMSA 1978.
- 5.6.5. Plat attachment. The deed, lease, real estate contract, notice of lease, notice of real estate contract, or other document of conveyance may have a survey plat and a legal description of the parcel attached to it. The survey plat shall show the surveyor's seal, the boundaries of the parcel, the means of access to the parcel, and any easements to which the parcel is subject.

Section 5.7. Water Requirements

- 5.7.1. Water Supply Plan. An approved subdivision shall have a water supply plan pursuant to applicable subdivision regulations.

ARTICLE 6. SUMMARY REVIEW PROCESS

Section 6.1. Summary Review Procedure

- 6.1.1. Qualifications. The following types of subdivisions shall be submitted to the County for approval under summary review procedure:
- a. Type Three subdivisions containing five (5) or fewer parcels of land, unless the land within a subdivision has been previously identified in the County Comprehensive Plan or County Zoning Ordinance as an area subject to unique circumstances or conditions that require additional review; and
 - b. all Type Five subdivisions.
- 6.1.2. Conference required. A pre-application conference is required before application for summary review and approval. The pre-application process is described in Article Three of this ordinance.
- 6.1.3. Application/fees. A subdivider shall prepare a summary review plat and supporting documentation in accordance with the requirements provided in these Regulations. The summary review plat shall be considered as a final plat suitable for filing with the County Clerk. Summary review plat submittal is initiated by completing an application on the prescribed form obtainable from the County Administrative Assistant, and upon payment of the required administrative fees.
- 6.1.4. Plat deemed complete. On receipt of the application, fees, summary review plat, and supporting documentation, the County Administrative Assistant shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the summary review plat will be deemed complete for review by written notice to the subdivider within forty-five (45) days after the date of application. If the summary review plat is incomplete or does

not comply with the submittal requirements, the subdivider shall be notified and given a maximum time period of forty-five (45) days to correct the deficiencies and return the summary review plat for consideration.

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

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

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

Section 6.2. Summary Review Data Requirements

6.2.1. Filing Specifications. The original drawing of the summary review plat shall be submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Summary

review plat maps shall be drawn at a scale of two-hundred (200) feet to one (1) inch or larger and printed on sheets no larger than 18" X 24" (eighteen inches by twenty four inches). The subdivider shall also submit two paper copies of the summary review plat map and accompanying information.

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

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

6.2.3. Affidavit. The summary review plat shall contain a statement that the land being subdivided will be subdivided in accordance with the summary review plat. The summary review plat shall be acknowledged by the owner and subdivider, or authorized agents, in the manner required for the acknowledgment of deeds. Every summary review plat submitted to the County Clerk as a final plat shall be accompanied by an affidavit of the owner and

subdivider, or authorized agents, stating whether the proposed subdivision lies within the subdivision jurisdiction of the County. A copy of the summary review plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease or other conveyance.

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

6.2.5. Disclosure statement. For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix F of the 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 until the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

6.2.6. Land Sales Act. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act may submit the approved statement of record instead of the disclosure statement required by the New Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not covered in the

subdivider's statement of record shall be attached to the statement of record.

- 6.2.7. Advertising standards. The advertising standards covering the sale, lease, or other conveyance of subdivided land provided in Article Five/Section 4 of these Regulations shall be applicable to summary review plats.

ARTICLE 7. SPECIAL PROCEDURES

Section 7.1 Succeeding Subdivisions

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

Section 7.2. Resubdivision

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

Section 7.3. Vacation of Plats

- 7.3.1. Cause. Any final plat filed in the office of the County Clerk may be vacated or a portion of the

final plat may be vacated if:

- a. the owners of the land proposed to be vacated sign an acknowledged statement declaring the final plat or a portion of the final plat to be vacated, and the statement is approved by the Board of County Commissioners; or
- b. the Board of County Commissioners finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.

7.3.2. Request for vacation. The vacation of all or a portion of a final plat shall be initiated by submittal of a request for vacation to the County Clerk, along with the names of all owners of record of property within the subdivided land to be vacated and the names of all owners of record of property contiguous to the subdivided land to be vacated. The request for vacation shall be considered filed upon payment of the required administrative fee.

7.3.3. Scheduling and notification. Within ninety (90) days after the date of receipt of the request for vacation, the Board of County Commissioners shall approve or deny the vacation, subject to the following:

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

- 7.3.4. Action. In approving the vacation of all or a part of a final plat, the Board of County Commissioners shall decide whether the vacation will adversely affect the interest of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a final plat, the Board of County Commissioners may require that roads dedicated to the County in the final plat continue to be dedicated to the County.
- 7.3.5. Filing. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk. The County Clerk shall mark the final plat with words "Vacated" or "Partially Vacated" and refer on the final plat to the volume and page on which the statement of vacation is recorded.
- 7.3.6. Utilities. The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

Section 7.4. Variances

- 7.4.1. Planned development area. The Board of County Commissioners may grant a variance from the standards and requirements of these Regulations if it is presented with a plan and program for a new town, a complete community, or a neighborhood unit, which, in the judgment of the 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.
- 7.4.2. Conditions and limitations. A variance shall not be granted which will cause the County to absorb costs over and above those typically associated with subdivision approval. In granting variances,

the Board of County Commissioners may require such conditions as will:

- a. substantially secure the objectives of the standards of these Regulations; and
- b. not adversely affect the health, safety, and general welfare of the public, if otherwise consistent with the general purpose and intent of these Regulations and if not injurious or detrimental to the surrounding area.
- c. No variance shall be granted unless the characteristics of the land, as opposed to the financial condition of the subdivider, would result in an undue hardship if literal compliance with these Regulations was required.

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

- a. Requests for variances shall be submitted in writing prior to or at the time of request for preliminary plat approval on the prescribed form available from the Administrative Assistant for that purpose, and upon payment of the required administrative fee.
- b. Variance requests shall be reviewed by the Board of County Commissioners in public hearings at the same time public hearings are held for approval of the preliminary plat.
- c. Notice of the request for variance shall be given in the same manner as notice is provided for any public hearing required in these Regulations and shall comply with the requirements of the Open Meetings Act of the State of New Mexico.
- d. Variance requests shall be submitted to the state or other reviewing agency having expertise in the subject matter for which the variance is sought, and shall be governed by the same time limits.
- e. The Board of County Commissioners shall make

written findings of fact regarding each of the requirements of these Regulations and shall produce those findings of facts as a portion of its decision and order on each request for variance.

- f. The decision and order shall be prepared, signed and filed within five (5) working days after the public hearing at which the variance is considered.

Section 7.5. Exemptions

7.5.1. Approval Required. As provided by State law 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 is exempted by state statute.

7.5.2. Verification of Exemption.

- a. Any person claiming entitlement to an exemption under the provisions of these Regulations may file a written claim of exemption on the prescribed form available from the Administrative Assistant with the Board of County Commissioners before making the land division for which the claim of exemption is made.
- b. The Board of County Commissioners shall review any claim of exemption and supporting documents and, if submitted for review shall mail written notice of whether the exemption has been approved or denied to the person claiming the exemption within forty-five (45) days after receipt of the completed claim of exemption; provided, however, that the forty-five (45) day period shall not begin to run until the person claiming the exemption has delivered a completed Claim of Exemption and all supporting documents to the Board of County Commissioners.

- c. If the claim of exemption is approved, or if the Board of County Commissioners fails to mail written notice to the claimant within forty-five (45) days after receipt of the completed claim of exemption and all supporting documents, the person claiming the exemption may divide the land in the manner proposed in the claim of exemption without complying with the provisions of these Regulations.
- d. If the claim of exemption is denied, the person claiming the exemption may appeal the denial as provided in Article 10 of these Regulations or may submit an application for a subdivision as provided in these Regulations.

7.5.3. Duty of citizens. It is the duty of all citizens to be aware of these subdivision regulations and any citizen(s) who elects to proceed with a division of land in violation of these regulations without availing themselves of the exemption procedure may be prosecuted to the full extent of the law.

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

7.6.1. Unmarked Human Burials

- a. According to state policy, any human burial in the state in any unmarked burial ground is accorded the protection of law and shall receive appropriate and respectful treatment and disposition.
- b. All subdividers shall comply with the requirements of §18-6-11.2 NMSA 1978, which prohibits the knowing, willful and intentional excavation, removal, disturbance or destruction of any human burial, buried, entombed or sepulchered in any unmarked burial ground except by authority of a permit issued by the state medical investigator or by the state cultural properties review committee

with the concurrence of the state archaeologist and state historic preservation officer.

7.6.2. 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

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

ARTICLE 8. REQUIRED IMPROVEMENTS

Section 8.1. Construction of Required Improvements

8.1.1. Improvement requirements. The subdivider shall install and construct such improvements, if any, as are required by these Regulations in the manner and to the design standards provided in these Regulations. Approval of the preliminary plat is authorization for the subdivider to proceed with the minimum improvements required by these Regulations. Before the construction of any improvements or the submission of any bond or other improvement guarantee, the subdivider shall furnish

the County with all plans necessary for the construction of such improvements. These plans shall be reviewed by the Board of County Commissioners and, if in accordance with these Regulations, shall be approved by the County, allowing the subdivision development to proceed.

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

Section 8.2. Road Development

- 8.2.1. Construction schedule. Roads within a subdivision shall be constructed only on a schedule approved by the Board of County Commissioners. In approving or disapproving a subdivider's road construction schedule, the Board of County Commissioners shall consider:

- a. the proposed use of the subdivision;
- b. the period of time before the roads will receive substantial use;
- c. the period of time before construction of homes will begin on the portion of the subdivision serviced by the road;
- d. the county regulations governing phased development; and
- e. the needs of prospective purchasers, lessees and other persons acquiring an interest in subdivided land in viewing the land within the subdivision.

- 8.2.2. Safety. All proposed roads shall conform to minimum County safety standards.

- 8.2.3. Demonstration of use/access. The Board of County Commissioners shall not approve the grading or construction of roads unless and until the subdivider can reasonably demonstrate that the

roads to be constructed will receive use and that the roads are necessary to provide access to parcels or improvements within twenty-four (24) months after the date of construction of the road. It is unlawful for the subdivider to grade or otherwise commence construction of roads unless the construction conforms to the schedule of road development approved by the Board of County Commissioners.

Section 8.3. Improvement Guarantees

8.3.1. Assurance. In order for the County to be assured of the completion of required improvements, the subdivider shall agree to either:

- a. complete installation of the required improvements before approval of the final plat; or
- b. assure construction of required improvements after final plat approval.

8.3.2. Alternatives. If the subdivider wishes to submit the final plat for review, approval and recording before completion of required improvements, the subdivider shall post a suitable improvements guarantee in a amount approved by the County. The guarantee shall be not less than 125 percent of the estimated cost of the required improvement. This guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the County.

ARTICLE 9. ADMINISTRATIVE FEES

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

Preliminary plat	\$50.00
Final plat	\$25.00
Summary review plat	\$50.00
Variance	\$25.00
Appeal	\$25.00
Claim of exemption	\$ 5.00
Statement of vacation	\$25.00

ARTICLE 10. APPEALS

Section 10.1. Who May Appeal

- 10.1.1. Board of County Commissioners. Any person who is adversely affected by a decision of the Board of Union County Commissioners in approving or disapproving a subdivision plat may appeal to the Board of County Commissioners within fifteen (15) days after the date of the action of the Board. 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 Nature of review. The appeal shall consist of a whole record review, and the reviewing authority, whether it be the Board of County Commissioners or the District Court, shall set aside the action of the lower tribunal only if it is found to be:
- a. arbitrary, capricious or an abuse of discretion; or
 - b. not supported by substantial evidence; or
 - c. otherwise not in accordance with law.
- 10.2.2. Standing. Any party to the action in District Court shall have full appellate rights in accordance with the laws of the State of New Mexico and the rules of appellate procedure for the State of New Mexico.
- 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. The appeal shall be perfected upon filing of the notice required by these Regulations and payment of the required administrative fee.

ARTICLE 11. ENFORCEMENT, PENALTIES, AND REMEDIES

Section 11.1. Purpose and Authority

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

Section 11.2. Investigation of Alleged Violations

All written signed complaints alleging one or more violations of the provisions of the New Mexico Subdivision Act or these Regulations shall be referred to the County Attorney for investigation. The Union County Attorney shall investigate the complaint and take such action as is warranted, or make a written recommendation to the Board of County Commissioners of what action is warranted. The Union County Attorney shall inform the complainant in writing of what actions have been taken or will be taken in response to the complaint.

Section 11.3. Penalties and Remedies.

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

- 11.3.1. Utility Connections. Any water, sewer, electric, or gas utility that connects service to individual parcels within a subdivision before a final plat for the subdivision has been approved by the Board of County Commissioners or before the landowner holds a valid building permit, may be fined a civil penalty of up to five hundred dollars (\$500) by the

Board of County Commissioners. The Board of County Commissioners may also require that any utility connected in violation of this section and of §47-6-27.2 NMSA 1978 be disconnected.

11.3.2. Suspension of Right of Sale. The Board of County Commissioners may suspend or revoke approval of a plat as to unsold, unleased or otherwise not conveyed portions of a subdivider's plat if the subdivider does not meet the schedule of compliance approved by the Board of County Commissioners.

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

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

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

Mexico Subdivision Act.

11.3.5. Criminal Penalties.

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

ARTICLE 12. AMENDMENT

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

ARTICLE 13. SEVERABILITY

The provisions of these Regulations are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid, or unconstitutional, or inapplicable to any

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

ARTICLE 14. REPEAL AND EFFECTIVE DATE

These Regulations repeal "Union County's Subdivision Regulations" approved on September 4, 1973 which are recorded in Miscellaneous Book 36, pages 486-521 of the records of Union County. These Regulations shall become effective on the 1st day of July, 1997.

ORDINANCE ADOPTION

Comes now the Union County Board of County Commissioners and hereby adopts the Union County Subdivision Ordinance this 16th day of May, 1997.



Freida J. Birdwell
Freida J. Birdwell
Union County Clerk

UNION COUNTY COMMISSION

D. E. Carter
D. E. Carter, Chairman

Fred Miller
Fred Miller, Member

Eugene Podzemny
Eugene Podzemny, Member

1997 MAY -7 PM 2:36
STATE RECORDS CENTER
FILED WITH

RESOLUTION NO. 85-22

Comes now the Board of Union County Commissioners of Union County, New Mexico and pursuant to the New Mexico Subdivision Act, §§47-6-1 et seq. and related statutes, hereby adopts as its regulations the following,

1. Standards relating to preliminary and final subdivision plats, Appendix A.
2. Requirements for water availability, water conservation measures, water quantity quality and water protecting from contamination. Appendix B.
3. Standards for liquid and solid waste disposal, Appendix C.
4. Standards for legal access, sufficient and adequate roads and terrain management, Appendix D.
5. Standards for protecting cultural properties, archaeological sites, unmarked burials, Appendix E.
6. Disclosure requirements, Appended F.
7. Fencing requirements, Appendix G.

BE IT SO RESOLVED;

Adopted this 16th day of May, 1997.



Freida J. Birdwell
 Freida J. Birdwell, County Clerk

UNION COUNTY BOARD OF COUNTY COMMISSIONERS

D. E. Carter
 D. E. Carter, Chairman

Fred Miller
 Fred Miller, Member

Eugene Podzemny
 Eugene Podzemny, Member

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 HELLER CENTER

APPENDIX A - PLAT REQUIREMENTS

All preliminary plats submitted to Union county pursuant to the New Mexico Subdivision Act shall follow the professional standards in design as promulgated by the State Board of Registration for Profession Engineers, and shall include lot lines, corners, a reference to a known monument, roads, utility easements, common areas, and constructed improvements and shall be prepared by a licensed surveyor.

Any final subdivision plat shall contain the above plus any further additional information as required by the County for approval.

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ALBUQUERQUE

APPENDIX B - WATER REQUIREMENTS

The following are the requirements with respect to water availability, water conservation, water quality, and water protection from contamination.

WATER AVAILABILITY

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

- A) The maximum annual water requirement for both indoor and outdoor purposes, for each parcel in a residential subdivision shall be 0.50 acre-feet per year. The total annual water requirement for the subdivision in acre-feet per year, is computed by multiplying the number of parcels by 0.50. Subdividers who apply this procedure shall limit the maximum area of irrigated landscape on any one parcel to 1,600 square feet or less, and prohibit swimming pools and other outdoor water features.
- B) The subdivider, may at his option, or if required by the county, prepare a detailed water demand analysis using the step by step computational procedure presented in the relevant State Engineer Technical Report.
- C) A detailed water demand analysis shall be prepared for non-residential subdivision and all water uses not directly related to residential uses within a mixed development subdivision. Annual water requirements shall be estimated using the relevant State Engineer Technical Report.

WATER CONSERVATION MEASURES

The following water conservation measures shall apply to all subdivisions:

- A) Water-saving fixtures shall be installed in all new

residential and non-residential buildings. Water-saving fixtures shall include, but not be limited to, low-flush toilets, low flow showerheads, low flow faucets, and insulation of hot water pipes.

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

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

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

All applicable restrictions on indoor and/or outdoor water use prescribed under permits issued by the state engineer, or pursuant to an order issued by a court of competent jurisdiction, shall be strictly adhered to.

WATER QUANTITY, WATER AVAILABILITY AND WATER SUPPLY PLAN

- A) Prior to final plat approval the subdivision applicant shall provide and the commission shall approve a water supply plan which shall meet the requirements of these regulations. The water supply plan and disclosure statement shall have been received by the State Engineer's Office.
- B) The water supply plan shall be accompanied by a copy of the subdivider's disclosure statement and a schedule for compliance for meeting Union County Subdivision Regulations. In addition, the water-supply plan adequate for the purpose of Section C.1 below shall be prepared by or under the supervision of a registered professional engineer and contain the following information:

1. plans and specifications for diversion, storage, and distribution facilities and a schedule for their completion;
2. information showing the volume and peak rate of production of water required in each month to supply each use of the subdivision when fully developed;
3. a geohydrological report, if part or all of the supply is to be obtained from ground water sources, containing the following information:
 - a) geologic maps, cross-sections and descriptions of the aquifer systems proposed for production, including information concerning the hydrogeologic boundaries, intake areas and locations of discharge of these aquifers;
 - b) maps and cross-sections showing the depth to water, water-level contours, direction of ground-water movement and the estimated thickness of saturation in the aquifers;
 - c) probable yields of the proposed wells in gallons per minute and acre-feet per yard and probable length of time that the aquifer system will produce at rates sufficient to meet demands of the fully developed subdivision. This information shall be based on pump-test analysis, hydrogeologic boundaries, aquifer leakage, and historic water-level changes, giving consideration to mutual interference of the proposed wells, and the interference of the existing wells; and
 - d) a 40 year schedule of the effects of the projected water withdrawals for the subdivision on water-levels and natural discharge;
4. a hydrologic report, if part or all of the supply is to be obtained from surface water sources,

containing the following information:

- a) source of water supply
- b) drainage area above the point of diversion
- c) analysis of relevant historical runoff records; and
- d) projected water supply available for the subdivision requirements.

C. The subdivider shall meet the following water supply requirements for all subdivisions:

1. The subdivider shall provide water from existing or proposed water supply systems for domestic use and fire protection except in type-three, type-four, and type-five subdivisions where domestic water supply may be provided either by the subdivider or by the owner of each parcel at his own expense. Other uses, if proposed by the subdivider, shall also be provided for from existing or proposed water supply systems.
2. In type-three, type-four and type-five subdivisions, 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 subdivider to submit reports, prepared by or under the supervision of a registered professional engineer in accordance with Sections B.3. and B.4. as appropriate.
3. The subdivider shall provide for the completion of the proposed water-supply system, in accordance with applicable minimum design standards of the New Mexico Environment Department and the Construction Industries Division or their successor agencies.

WATER QUALITY AND WATER PROTECTION FROM CONTAMINATION

The provisions for water quality and water protection are contained in Exhibit 1, attached hereto and incorporated herein by reference.

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STATE OF NEW MEXICO
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**EXHIBIT 1
List of Sections**

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1. **DEFINITIONS.** -- As used in these guidelines:

- A. **"Alternative disposal system"** means an individual liquid waste disposal system which is not a conventional disposal system. It is commonly used where limiting soil conditions exist. Some examples of alternative disposal systems are deep trench, seepage pit, fill, sand filter, sand mound, evapotranspiration, and land application.
- B. **"Arroyo"** means a dry wash or draw which flows only occasionally.
- C. **"Bedrock"** means consolidated earth materials. It includes fractured and cavernous rock.
- D. **"Body of water"** means all constrained water including water situated wholly or partly within or bordering the state, whether surface or subsurface, public or private.
- E. **"Canal"** means a man-made ditch or channel that carries water for purposes other than domestic consumption.
- F. **"Community liquid waste system"** means a liquid waste system which receives a design flow of more than two thousand (2,000) gallons of liquid waste per day. It is subject to the Water Quality Control Commission Regulations.
- G. **"Conventional disposal system"** means an individual liquid waste disposal system that is a below grade soil absorption system with an excavated depth no deeper than four (4) feet from the ground surface. Some examples of conventional disposal systems are absorption trenches and seepage beds.
- H. **"Degrade a body of water"** means to reduce the physical, chemical, or biological qualities of a body of water. It includes the release of material which could result in the exceeding of standards established in the Water Quality Standards for Interstate and Intrastate Streams, by the Water Quality Control Commission Regulations, and by the Drinking Water Regulations.
- I. **"Design flow"** means the liquid waste flow rate for which a liquid waste system must be designed in order to assure acceptable system performance. It is generally governed by regulations, standards, codes, and accepted references.
- J. **"Edge of a watercourse, canal or arroyo"** means that point of maximum curvature at the upper edge of a definite bank or, if no definite bank exists, the highest point where signs of seasonal high water flow exist.
- K. **"Engineer"** means a person authorized to practice professional engineering in the State of New Mexico.

- L. **"Flood plain"** means any area which will be flooded by high water from a one hundred (100) year frequency storm.
- M. **"Ground water"** means interstitial water which occurs in saturated earth material. It is capable of entering a well in sufficient amounts to be utilized as a water supply.
- N. **"Hazard to public health"** means the indicated presence in water or soil of chemical, biological or other agents under such conditions that they may adversely impact human health.
- O. **"Individual liquid waste system"** means a liquid waste system which receives a design flow of two thousand (2,000) or less gallons of liquid waste per day. It is subject to the Liquid Waste Disposal Regulations.
- P. **"Liquid waste"** means domestic wastewater (sewage). It includes non-liquid-carried excreta.
- Q. **"Liquid waste disposal system"** means a component of a liquid waste system which disposes of the discharge from a liquid waste treatment system.
- R. **"Liquid waste system"** means a system which is designed, constructed, operated, and maintained to receive, treat, and dispose of liquid wastes. It usually consists of collection, treatment, and disposal components.
- S. **"Liquid waste treatment system"** means a component of a liquid waste system which removes, reduces, or alters the objectionable constituents of liquid waste.
- T. **"Net lot size"** means the area of a lot excluding any area dedicated by easement or use to provide vehicular passage to more than one lot or more than five (5) residential or commercial units on a single lot.
- U. **"Percolation rate"** means the rate of entry of water into soil. It is determined from a standard percolation test performed on the soil at the depth of the proposed soil absorption system.
- V. **"Potential source of contamination"** means any source which could release substances resulting in the degradation of a body of water and a hazard to public health.
- W. **"Private water supply system"** means a water supply system that has less than fifteen (15) service connections or serves less than twenty-five (25) individuals.
- X. **"Privy"** means a receptacle for non-liquid-carried excreta. It allows direct discharge to the soil.

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

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

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

AB. **"Soil survey"** means a national cooperative soil survey conducted by the USDA, Natural Resources Conservation Service in cooperation with the state agricultural experiment station and other federal and state agencies, or any other survey containing information of comparable quality and detail following the national standards for an Order 2 survey.

AC. **"Solid waste"** means any garbage, rubbish, or other discarded material which results from residential, commercial, institutional, industrial or recreational activities. Systems for the collection, transportation, and disposal of solid waste are subject to the Solid Waste Management Regulations.

AD. **"Total design flow"** means the sum of liquid waste design flows for all liquid waste systems on a lot. The maximum total design flow (gallons per day) permitted on any lot is determined by multiplying the net lot size (acres) by five hundred (500).

AE. **"Water supply source"** means a well, spring, infiltration gallery, surface water intake structure, or other source of water used to furnish water to a public or private water supply system.

AF. **"Water supply system or water system"** means a system which is designed, constructed, operated, and maintained to provide water suitable for domestic uses. It usually consists of source, treatment, transmission, storage, pumping, and distribution facilities.

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

2. **WATER QUALITY DOCUMENTATION.** -- For a subdivider to document conformance with the water quality requirements of these guidelines and the New Mexico Subdivision Act, a water quality documentation package shall accompany the preliminary plat submittal.

A. The water quality documentation package shall:

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

1. a water quality analysis of a representative water sample for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, lead, mercury, nickel, nitrate, nitrite, selenium, thallium, alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity, and zinc;
2. for areas where contamination of the proposed source water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Section 3 of these guidelines as may be required;
3. the location and description of the source of water sampled for the water quality analysis;
4. an engineer's report and preliminary plans for the proposed public water supply system; and,
5. maps identifying and showing the location of all potential sources of contamination and the flood plan of all watercourses and surface bodies of water within one thousand (1000) feet of the proposed water supply system source.

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

1. a water quality analysis of a representative water sample for alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity, and zinc;
 2. a statement of availability of water service signed by an official of the existing public water supply system; and
 3. an engineer's report and preliminary plans for the proposed water system.
- D. If private water supply systems are proposed, the following information shall be submitted as part of the water quality documentation package:

1. a water quality analysis of a representative water sample for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, lead, mercury, nickel, nitrate, nitrite, selenium, thallium, alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity, and zinc;
2. for areas where contamination of the proposed source water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Section 3 of these guidelines as may be required;
3. the location and description of the source of water sampled for the water quality analysis;
4. preliminary plans for the private water supply systems if the system will serve more than one (1) connection; and,
5. maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.

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

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

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

of the contaminants listed in Table 3-1.

B. The level of a contaminant in water which is delivered to any user of a public or private water supply system should not exceed the secondary maximum contaminant level (SMCL) for any of the contaminants listed in Table 3-2.

1. If the level for any of the contaminants listed in Table 3-2 exceeds the SMCL, the subdivider must state in the disclosure statement on water quality the name of the contaminant exceeded; the contaminant level; the SMCL of the contaminant; the expected adverse effects of the contaminant for domestic water use; and, the recommended treatment method to reduce the contaminant level to or below the SMCL.

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

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

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TABLE 3-1. -- PRIMARY (HEALTH RELATED) CONTAMINANTS

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

TABLE 3.1. -- PRIMARY (HEALTH RELATED) CONTAMINANTS(continued)

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

Notes to Table 3-1:

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

TABLE 3-2. -- SECONDARY (ETHETIC RELATED) CONTAMINANTS

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

Notes to Table 3-2:

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

TABLE 3.3. -- SETBACK DISTANCES FOR WATER SUPPLY SOURCES

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

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4. LIQUID WASTE DISPOSAL DOCUMENTATION. -- For a subdivider to document conformance with the liquid waste disposal requirements of these guidelines and the New Mexico Subdivision Act, a liquid waste disposal documentation package shall accompany the preliminary plat submittal.

A. The liquid waste disposal documentation package shall:

1. state the subdivider's name and mailing address;
2. state the date the package was completed;
3. state the subdivider's proposal for meeting the liquid waste disposal requirements of these guidelines;
4. be accompanied by a copy of the subdivider's disclosure statement on liquid waste disposal;
5. be accompanied by the information required in Subsections B, C, or D of this section as applicable to the subdivider's liquid waste disposal proposal; and
6. be accompanied by other relevant information as may be necessary for determination of compliance with the liquid waste disposal requirements of these guidelines.

B. If the subdivider proposes a new community liquid waste system, the following information shall be submitted as part of the liquid waste disposal documentation package:

1. an engineer's report and preliminary plans for the proposed community liquid waste system;
2. maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within one thousand (1000) feet of the proposed liquid waste treatment and liquid waste disposal site; and,
3. documentation of the filing of a "Notice of Intent to Discharge" with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.

C. If the subdivider proposes a liquid waste system by connection to and extension of an existing community liquid waste system, the following information shall be submitted as part of the liquid waste disposal documentation package:

1. a statement of availability of liquid waste service signed by an official of the

- existing liquid waste system; and,
 - 2. an engineer's report and preliminary plans for the proposed extension to the existing liquid waste system.
- D. If the subdivider proposes individual liquid waste systems, the following information shall be submitted as part of the liquid waste disposal documentation package:
- 1. a soils investigation report (soil survey, soil borings to a minimum depth of eight (8) feet, soil test results and analysis of the soil survey, soil boring, and soil tests) defining soil depth to bedrock, seasonal high water ground water table or other limiting soil layer, and percolation rate for the soils present within the proposed subdivision;
 - 2. maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries;
 - 3. a liquid waste system feasibility map, superimposed on the subdivision plat, delimiting the areas of suitable, limited, and prohibitive soil categories as described in Table 5-2; and,
 - 4. preliminary plans for the individual liquid waste systems if a system will serve more than one (1) connection.
- E. Documentation of approval for the discharge from a community liquid waste system from the New Mexico Environment Department will be required for final plat approval.

5. LIQUID WASTE DISPOSAL REQUIREMENTS. -- Conformance with the liquid waste disposal requirements of this section is required for preliminary plat approval.

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

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

2. Individual liquid waste systems shall not be installed where an existing community liquid waste system is available for use within the subdivision; installed in subdivisions or on lots with sizes less than shown in Table 5-1; installed in prohibitive soils as shown in Table 5-2; installed at less than the setback distances shown in Table 5-3; or, privies (outhouses) or holding tanks if a water supply system is to be used.

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

TABLE 5-1. -- LOT SIZES FOR INDIVIDUAL LIQUID WASTE SYSTEMS	
Minimum Average Lot Size for Subdivision	Minimum Lot Size
2.00 acres	1.00 acres

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

TABLE 5-2. -- SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE SYSTEMS

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

Notes to Table 5-2:

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

TABLE 5-3. -- SETBACK DISTANCES FOR INDIVIDUAL LIQUID WASTE SYSTEMS

Object	Required Minimum Setback Distance (feet)	
	Treatment Unit	Disposal System
Individual Water Supply System Source	50	100
Public Water Supply System Source	100	200
Edge of Watercourses Except Canals and Arroyos	50	100
Edge of Unlined Canals and Arroyos	15+depth of channel	25+depth of channel
Edge of Lined Canals	10+depth of channel	10+depth of channel
Public Lakes	50 ^(a)	100 ^(a)

Notes to Table 5-3:

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

6. **SOLID WASTE DISPOSAL DOCUMENTATION.** -- For a subdivider to document conformance with the solid waste disposal requirements of these guidelines and the New Mexico Subdivision Act, a solid waste disposal documentation package shall accompany the preliminary plat submittal.

A. A solid waste documentation package shall:

1. state the subdivider's name and mailing address;
2. state the date the package was completed;
3. state the subdivider's proposal for meeting the solid waste disposal requirements of these guidelines;
4. be accompanied by a copy of the subdivider's disclosure statement on solid waste disposal;
5. be accompanied by the information required in Subsections B and C of this section as applicable to the subdivider's solid waste disposal proposal; and
6. be accompanied by other relevant information as may be necessary for determination of compliance with the solid waste disposal requirements of these guidelines.

B. If the subdivider proposes solid waste collection by use of an existing solid waste collection service, the following information shall be submitted as part of the solid waste disposal documentation package:

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

C. If the subdivider proposes solid waste disposal by use of an existing solid waste disposal site, the following information shall be submitted as part of the solid waste disposal documentation package:

1. a statement of availability of solid waste disposal service signed by an official of the disposal site;
2. the travel distance from the center of the subdivision to the disposal site.

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

- A. At the time of first occupancy of the subdivision the subdivider shall provide for:
 - 1. disposal of solid wastes at an approved solid waste disposal facility; and,
 - 2. an approved solid waste collection system to collect and transport solid wastes to the disposal facility if the disposal facility is more than five (5) miles from the center of the subdivision.

- B. At the time when five hundred (500) lots of the subdivision are occupied, the subdivider shall provide for an approved solid waste collection system to collect and transport solid wastes to the disposal facility.

- C. The solid waste disposal requirements of this Section may be waived for type four or type five subdivisions if the subdivider discloses and covenants that:
 - 1. the lots will not be divided or subdivided to less than ten (10) acres;
 - 2. the lots will be restricted to seasonal (part-time) occupancy;
 - 3. on-lot solid waste disposal will be limited to solid waste generated on the lot by the lot owner; and,
 - 4. on-lot solid waste disposal will be done in a manner that does not create a nuisance, create a hazard to public health, or degrade a body of water.

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

APPENDIX C - LIQUID AND SOLID WASTE REQUIREMENTS

The liquid and solid waste guidelines are contained in Exhibit 1 shall be the requirements adopted by Union County with respect to liquid and solid waste disposal.

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STATE OF MISSISSIPPI
HUMAN SERVICES

APPENDIX D - LEGAL ACCESS, SUFFICIENT ROADWAYS AND TERRAIN MANAGEMENT STANDARDS

The following are requirements for legal access, sufficient roadways and terrain management.

LEGAL ACCESS AND ROADWAYS

1. All subdivided parcels subject to the Union County Subdivision Ordinance shall have undisputed legal access to a county road presently shown on the Union County Road Audit or to an existing State or Federal highway.
2. Any access to a State or Federal highway shall be approved by the appropriate State or Federal governmental agency or agencies and proof of such approval shall be in writing. Such approval shall include a driveway permit for any subdivision that accesses into a State or Federal Highway and shall be issued by the New Mexico State Highway and Transportation Department, pursuant to the Department's regulations in effect at the time of final plat approval.
3. Any roads proposed to be turned over to Union County must meet the standard width of the sixty (60) feet or greater as determined by the Union County Commission in consultation with the Union County Road Superintendent.
4. Any access to an existing County road shall not produce additional run off to the existing road.

TERRAIN MANAGEMENT

The following are the terrain management regulations which shall include a terrain management plan as described in Exhibit 2, attached hereto and incorporated by reference.

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BENNETT C. BIVIS
HUMAN RIGHTS

EXHIBIT 2

A TERRAIN MANAGEMENT PLAN shall include:

- 1) **VICINITY MAP**-A map drawn to a scale of not more than 2,000 feet to one inch showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within three miles of the site. This map shall display the topographic contours at 20 feet intervals (A suitable example would be from a USGS Topographic Map).
- 2.) **NATURAL FEATURES MAP**-A map of the development (at the same scale as the preliminary plat map) showing directly or by overlay:
 - a) The boundaries of the development
 - b) The existing contours with intervals of not less than 2 feet where the slope is less than 8% and not more than 5 feet where the slope is 8% or greater
 - c) All areas with natural slopes of 25% or greater clearly recorded by scale, line, or color
 - d) The location of all drainage channels, watercourses, water bodies, floodways, flood fringes, and floodplains
 - e) The location of all major rock outcropping, faults and geologic resources
 - f) The location of the major vegetation types showing the plant species included and the cover density. This may be accomplished by use of a line map or aerial photo of reasonable clarity taken within the past 12 months, and be of a satisfactory scale with an appropriate legend
- 3) **SOIL SURVEY** - A soil survey of the site including:
 - a) An overlay of the natural features map showing the location of each soil type. Soil surveys will be in keeping with national standards as set fourth by the USDA Natural Resources Conservation Service
 - b) A description of the soil types. Detailed soil profiles maybe required if deemed necessary by the soil & water conservation

district

- c) Interpretations of the limitations from a detailed soil survey for each soil type for the intended land uses common to the development
- 4) **GRADING PLAN** - A series of maps, cross sections, and design profiles showing the location and impact of the planned development features to the natural land form.
 - a) An overlay of the Natural Features Map showing the location of all proposed parcels, roads, bridges, water and erosion control structures, and the utility easements in relation to the existing contours
 - b) An overlay showing the finished contours of the development after all proposals have been implemented using contour intervals equal to or less than those on the existing contour map
 - c) The location of all cuts and fills, including the grades, lengths, and depths thereof displayed using the necessary cross section and profiles to adequately describe and display the planned action
 - d) The location of all areas where the natural elevation of the land will be changed by more than three feet
 - e) The location of all areas where the grading of land will disturb more than 1000 contiguous square feet
 - f) Profiles showing the existing ground surface and proposed street grades and typical cross-sections of the proposed grading
 - g) Description of methods of stabilization in areas of cut and fill, embankment compaction, and revegetation on steep slopes
- 5) **LANDSCAPING PLAN** - A series of maps or overlays and narratives to identify those areas which will be revegetated following disturbance or to enhance the visual aesthetics of the site and the methods to be used:
 - a) Location and type of materials to be used in revegetation and slope stabilization
 - b) Location of all areas where vegetation will be preserved and a description of the methods that will be used for protection

- c) Duration of exposure of the disturbed sites before reclamation of the site will take place. Reclamation of the site will employ methods to be used to minimize erosion of the disturbed sites prior to reclamation.
 - d) A description of the vegetative characteristics that will be present after revegetation.
 - e) The plan for site preparation, fertilization, seeding rates, dates and amounts by species, mulching type and amount for both grass, shrubs and trees. If watering is a planned part of the revegetation procedure a description of the planned irrigation system and amounts of water needed will be included
- 6) **EROSION AND DRAINAGE PLAN** - This shall include the necessary charts, drawings, location maps, and calculations to support the plan:
- a) A watershed map showing all the upper watershed area draining into or through the site; it should show the water courses and topographic conditions as well as indicate the soil and vegetative types and their locations within the watershed
 - b) Storm drainage computations for the 100 year frequency storm both reaching and leaving the site in the pre-development conditions.
 - c) Storm drainage calculations for the post development estimates of runoff after planned full development of the site. This will be displayed to show the estimated runoff before and after any mitigation of the increased flows.
 - d) Quantities of water carried by the major watercourses and the proposed treatment of the watercourses. Calculations will be provided for pre and post development.
 - e) The location, type, and size of all proposed drainage and erosion control structures with adequate detail of the drawing or designs
 - f) The location and size of all drainage easements for all floodplains, floodways, flood fringes, and other natural watercourses along with adequate documentation. Drainage easements are required for all watercourses with 100-year storm flows that exceed 20 cubic feet per second flow rates.

- g) An overlay indicating the depth to ground water in all areas where the seasonal high water table is within twenty feet of the ground surface.
- h) All appropriate design details necessary to clearly explain the construction of all surface and subsurface structures

7) **CONSTRUCTION SCHEDULE**

- a) The start and finish dates for all clearing, grubbing and grading activities;
- b) Duration of exposure of disturbed areas;
- c) Stabilization date for disturbed areas;
- d) Installation date of all storm drainage system components;
- e) Installation date for all roads and related structural measures;
- f) Paving dates for all roads or parking areas included in the site plan;
- g) Installation date of each utility to be provided and whether said utility will be above or below ground; and
- h) Installation date for homes, recreation structures, and other communities facilities and improvements.

A DISCLOSURE STATEMENT REGARDING TERRAIN MANAGEMENT shall include:

- 1) Describe the suitability of the soils in the subdivision for residential use whether permanent or seasonal;
- 2) Describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures;
- 3) Give the location of all lots with land areas within a flood way, flood fringe or flood plain;
- 4) Give the location of all lots located on slopes in excess of

8 percent;

- 5) Describe the subsurface drainage for all lots;
- 6) Describe the surface drainage for all lots; and
- 7) Describe all storm drainage system including the completion date of any required to be constructed.

APPENDIX E - CULTURAL PROPERTY, ARCHAEOLOGICAL SITES AND UNMARKED BURIALS

The following are the standards for protection of cultural property, archaeological sites, and unmarked burials.

1. Definitions: The following items are defined as follows:
 - A) **archaeological sites** - any geographical location where there exists material evidence of repeated or patterned human activities. A site has the potential, through the application of appropriate archaeological methods, techniques, and analysis, of yielding information important to understanding the prehistory history, culture or lifestyles of a particular region or group of inhabitants in New Mexico.
 - B) **cultural properties** - a structure, place, site, battlefield, cemetery, historic landscape or object having historic archaeological, scientific, architectural or other cultural significance.
 - C) **effect** - any action that has the potential to disturb the physical integrity of cultural properties, archaeological sites or unmarked burials.
 - D) **pedestrian survey** - an on-the-ground in-field inspection of the subdivision project area to identify and record and cultural properties, archaeological sites and unmarked burials.
 - E) **registered cultural property** - any building, structure, site, archaeological site, district object, or collection of objects determined to possess archaeological, architectural, historical, scientific, or other cultural values important to the State and entered in the New Mexico Register of Cultural Properties by the Cultural Properties Review Committee (NMSA 1978 §18-6-1 through 17). Registered cultural properties may also be entered in the National Register of Historic Places.
 - F) **structure** - a building created principally to shelter any form of human activity or a structure which functions for purposes other than human shelter. Examples of buildings include a house, church, fort, garage, barn, privy, mill building, etc. Examples of a structure include a bridge, silo, acequia, wall, bandstand, tunnel,

↳ railroad grade, etc.

- G) **unmarked burials** - a location where there exists a burial or burials of any human being that are not visibly marked on the surface of the ground in any manner traditionally or customarily used for marking burials including any funerary object, material object, or artifact associated with a burial or burials.
2. No subdivision shall disturb the physical integrity of any cultural property, archaeological site or unmarked burial site.
 3. The proposed subdivision shall include identification of any cultural property archaeological site or unmarked burial site.
 4. A pedestrian survey may be used to identify cultural properties, archaeological sites or unmarked burial sites.
 5. As part of any subdivision approval, the Union County Commission shall evaluate the significance of any cultural property, archaeological site and unmarked burial site.
 6. Any proposed subdivision which impacts existing Federal or State lands shall first obtain the written approval of any appropriate State or Federal agency or agencies. Approval shall be in writing, provided, that in the event the Commission decides that impact will be minimal based upon all current available information, nothing shall prevent the commissioners from granting a variance for written approval.
 7. Any subdivision shall abide by existing State and Federal laws regarding cultural properties, archaeological sites or unmarked burial sites.

APPENDIX F - DISCLOSURE REQUIREMENTS

The following are the disclosure statement requirements:

1. No disclosure statement is required for any subdivision of up to three (3) parcels.
2. Every subdivision in excess of three (3) parcels shall include a fully completed disclosure. Disclosure statement in the form of Exhibit 3 attached hereto and incorporated by reference.
3. Attached as Exhibit 3 is the form of disclosure statement required by Union County.

EXHIBIT 3
Disclosure Statement

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

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

1. NAME OF SUBDIVISION

2. NAME AND ADDRESS OF SUBDIVIDER

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

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4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

Present
(number of parcels)

Anticipated
(number of parcels)

(number of acres
in subdivision)

(number of acres
in subdivision)

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION

7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES

(\$ = lowest amount) _____

(size of parcel sold, or conveyed) _____

(\$ = highest amount) _____

(size of parcel sold, or conveyed) _____

8. FINANCING TERMS

(interest rate)

(term of loan or contract)

(minimum down payment)

(service charges and/or escrow fees)

(premium for credit life or other insurance if it is a condition for giving credit)_____

(closing costs)_____

(any other information required by the Truth in Lending Act and Regulation Z if not set forth above)_____

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

NOTE: IF ANY OF THE HOLDERS OF LEGAL TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

11. CONDITION OF TITLE

(number of mortgages)_____

(name and address of each mortgagee)_____

(balance owing on each mortgage)_____

(summary of release provisions on each mortgage)

(number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchase) _____

(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 purchase) _____

(balance owing on each real estate contract)

(summary of default provisions of each real estate contract)

(summary of release provisions of each real estate contract)

(statement of any other encumbrances on the land)

(statement of any other conditions relevant to the state of title)

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

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

13. ESCROW AGENT

Name _____

Address _____

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

14. UTILITIES

Name of entity providing electricity, if applicable (estimated cost per parcel)

Name of entity providing gas, if applicable (estimated cost per parcel)

Name of entity providing water, if applicable (estimated cost)

Name of entity providing telephone, if applicable (estimated cost)

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STATE OF MISSISSIPPI
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MEMPHIS

Name of entity providing liquid waste disposal, if applicable (estimated cost)

15. INSTALLATION OF UTILITIES

Electricity date

Gas date

Water date

Telephone date

Liquid waste disposal date

Solid waste disposal date

16. UTILITY LOCATION

(if all utilities are to be provided to each parcel in the subdivision, please state here)

(if utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel)

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(state whether each utility will be above ground or underground

Above ground Underground

electricity	_____	_____
gas	_____	_____
water	_____	_____
telephone	_____	_____
liquid waste disposal	_____	_____
solid waste disposal	_____	_____

17. WATER AVAILABILITY

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

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

(describe the means of water delivery within the subdivision)

(describe any limitations and restrictions on water use in the subdivision)

(summarize the provisions of any covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures)

(describe what measures, if any, will be employed to monitor or restrict water use in the subdivision)

18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

Name and address of entity providing water

(source of water and means of delivery)

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

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

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

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

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

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

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

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

(recommended total depth of well)

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

20. LIFE EXPECTANCY OF WATER SUPPLY

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

21. SURFACE WATER*

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

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

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

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico State Engineer regarding:

(whether or not the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses)

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(whether or not the subdivider can fulfill the proposals in this disclosure statement concerning water, excepting water quality)

23. WATER QUALITY

(describe the quality of water in the subdivision available for human consumption)

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

(state each maximum allowable water quality parameter that has been exceeded with the approval of the Board of County Commissioners and the nature of the element, compound or standard that has exceeded that parameter)

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

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

(whether or not the subdivider can furnish water of an acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with state regulations)

(whether or not the subdivider can fulfill the water quality proposal made in this disclosure statement)

(whether or not the subdivider's proposal for water quality conforms to

the County's water quality regulations)

25. LIQUID WASTE DISPOSAL

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

Note: No liquid waste disposal system may be used in this subdivision other than a system approved for use in this subdivision by the Board of County Commissioners

26. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

(whether there are sufficient liquid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations)

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

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

27. **SOLID WASTE DISPOSAL**

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

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

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

(whether or not there are sufficient solid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations)

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

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

29. **TERRAIN MANAGEMENT**

(describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation

(District's soil survey for Union County)

(describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures)

(identify by lot and block numbers all parcels within the subdivision that are subject to flooding)

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

(describe the surface drainage for all lots in the subdivision)

(describe the subsurface drainage for all lots in the subdivision)

(describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision)

30. NATURAL RESOURCE CONSERVATION DISTRICTS OPINION ON TERRAIN MANAGEMENT

Include here the approved 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 furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion)

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

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

31. SUBDIVISION ACCESS

(name of town nearest to subdivision)

(distance from nearest town to subdivision and the route over which that distance is computed)

(describe access roads to subdivision)

(state whether or not subdivision is accessible by conventional vehicle)

(state whether or not subdivision is ordinarily accessible at all times of the year and under all weather conditions)

(describe the width and surfacing of all roads within the subdivision)

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

(if the roads within the subdivision have not been accepted for maintenance by the County, state how the roads will be maintained and describe lot owner's responsibilities and obligations with respect to road maintenance)

32. MAINTENANCE

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

33. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department on:

(whether or not the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations)

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

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

34. CONSTRUCTION GUARANTEES

(describe any proposed roads, drainage structures, water treatment facilities or other improvements that will be completed before parcels in the subdivision are offered for sale)

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

UNLESS THERE IS SUFFICIENT BOND, LETTER OF CREDIT OR OTHER ADEQUATE COLLATERAL TO SECURE THE COMPLETION OF PROPOSED IMPROVEMENTS, IT IS POSSIBLE

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THAT THE PROPOSED IMPROVEMENTS WILL NOT BE COMPLETED. CAUTION IS ADVISED.

35. ADVERSE OR UNUSUAL CONDITIONS

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

36. RECREATIONAL FACILITIES

(describe all recreational facilities actual and proposed in the subdivision)

(state the estimated date of completion of each proposed recreational facility)

(state whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and describe any such bond, letter of credit or other collateral)

37. FIRE PROTECTION

(distance to nearest fire station from subdivision)

(route over which that distance is computed)

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

38. POLICE PROTECTION

List the various police units that patrol the subdivision.

(sheriff's department, if applicable)

(municipal police, if applicable)

(state police, if applicable)

39. PUBLIC SCHOOLS

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

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

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

40. HOSPITALS

(name of nearest hospital)

(distance to nearest hospital and route over which that distance is

computed)

(number of beds in nearest hospital)

41. SHOPPING FACILITIES

(description of nearest shopping route over which that distance is computed)

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

42. PUBLIC TRANSPORTATION

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

APPENDIX G - FENCING REQUIREMENTS

The following is the regulation with respect to fencing of subdivided land.

1. As part of its subdivision regulation, Union County adopts Sections 77-16-1, 2,3, 4, 6, 7, 8 and 9 NMSA 1978 as its regulations for fencing livestock.
2. It shall be required that any subdivision shall have perimeter fencing in compliance with the above state statutes and provide cattleguards upon roads and streets on the perimeter boundary of the subdivision.

UNION COUNTY SUBDIVISION ORDINANCE

CLAIM OF EXEMPTION

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

The Union County Board of Commissioners will notify you in writing within thirty (30) days as to whether your claim of exemption has been granted. If the claim of exemption is granted, or if you do not hear from the Board of Union County Commissioners within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Union County Subdivision Regulations. If your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the Union County Subdivision Regulations.

I, _____, claim an exemption from the requirements of the New Mexico Subdivision Act and the Union County Subdivision Regulations for the following reason(s). I certify that this transaction involves:

- ___ the sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years. **ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL.**
- ___ the sale or lease of apartments, offices, stores or similar space within a building. **ATTACH COPIES OF ALL PROPOSED SALE OR LEASE DOCUMENTS.**
- ___ the division of land within the boundaries of a municipality. **ATTACH CERTIFIED SURVEY SHOWING LOCATION OF PROPOSED DIVISION.**
- ___ the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land. **ATTACH COPIES OF ALL PROPOSED CONVEYANCING DOCUMENTS.**
- ___ the division of land created by court order where the order creates no more than one parcel per part. **ATTACH CERTIFIED COPY OF COURT ORDER.**
- ___ the division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. **ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. SUCH DOCUMENTS MUST CONTAIN A COVENANT, RUNNING WITH THE LAND AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND THE PROPERTY OWNER THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES. THE COVENANT MUST BE SIGNED BY THE PROPERTY OWNER, THE BUYERS OR LESSEE, AND THE BOARD OF COUNTY COMMISSIONERS AND MUST BE FILED OF RECORD WITH THE COUNTY CLERK.**
- ___ the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. **ATTACH CERTIFIED SURVEYS**

SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION.

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

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

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

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

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

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)

DESCRIBED AND SWORN to before me this ____ day of _____, 199__.

Notary Public

My commission expires:

FOR OFFICIAL USE ONLY

___ The foregoing Claim of Exemption has been approved.

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

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

Date: _____

Name and title

**UNION 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 County Administrative Assistant 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 _____

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

Signature _____ Date _____
3. Engineer/Surveyor Name, Address, and Phone Number _____

Signature _____ Date _____

SUBDIVISION INFORMATION

4. Name of Subdivision _____
(Indicate if this is a succeeding subdivision, phased subdivision, or resubdivision)
5. This is a Type One ____ Two ____ Three ____ Four ____ Subdivisions (check one)
6. Number of lots: _____ Total acreage: _____ Acres Size of smallest lot: _____ Acres
7. Municipal planning and platting jurisdiction (if applicable): _____
8. County Zoning Classification: _____

PRELIMINARY PLAT APPLICATION - PAGE TWO

SUPPLEMENTAL INFORMATION

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

PROCEDURAL INFORMATION (to be completed by County Staff)

15. Date application received by County _____ Signed _____
16. Date preliminary plat deemed complete _____ Signed _____
17. Date of public hearing _____
18. Date of preliminary plat approval by County _____

**UNION COUNTY SUBDIVISION REGULATIONS
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 Union County Board of Commissioners by the subdivider or a designated agent and shall be in compliance with the requirements of the County Subdivision Regulations. Each application must be accompanied by the required administrative fee.

GENERAL INFORMATION

1. Name of Subdivision _____
2. This is a Type _____ Subdivision Number of Lots: _____ Total acreage: _____ Acres
3. Subdivider or Agent Name, Address, and Phone Number _____

Signature _____ Date _____
Engineer/Surveyor Name, Address and Phone Number _____

Signature _____ Date _____

SUPPLEMENTAL INFORMATION

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

FINAL PLAT APPLICATION - PAGE TWO

PROCEDURAL INFORMATION (To be completed by County staff)

- 10. Date of preliminary plat approval _____ Expiration Date _____
- 11. Extension dates (if any, with explanation) _____

- 12. Date application received by County _____ Signed _____
- 13. Date final plat deemed complete _____ Signed _____
- 14. Date of final plat approval by County _____
- 15. Date final plat is filed with County Clerk _____

**UNION 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 Union County Board of Commissioners 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 _____

Signature _____ Date _____

2. Engineer/Surveyor Name, Address, and Phone Number _____

Signature _____ Date _____

SUBDIVISION INFORMATION

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

4. This is a Type Three Five Subdivision (check one)

5. Number of lots: _____ Total acreage: _____ Acres Size of smallest lot: _____ Acres

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

7. County Zoning Classification: _____

SUPPLEMENTAL INFORMATION

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

PROCEDURAL INFORMATION (To be completed by County Staff)

12. Date of pre-application conference _____ Signed _____
13. Date application received by County _____ Signed _____
14. Date summary review plat deemed complete _____ Signed _____
15. Date summary review plat approved by County _____
16. Date summary review plat filed with County Clerk _____

**UNION COUNTY SUBDIVISION REGULATIONS
NOTICE OF APPEAL**

INSTRUCTIONS

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

APPELLANT INFORMATION

1. Name, Address, and Phone Number _____
Signature _____ Date _____

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

NATURE OF APPEAL

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

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

PROCEDURAL INFORMATION (To be completed by County Staff)

5. Date of action being appealed _____
6. Date Notice of Appeal received by County _____ Signed _____
7. Date of decision regarding appeal by Board of County Commissioners _____