1997

GRANT COUNTY

REGULATIONS GOVERNING THE

SUBDIVISION OF LAND
# TABLE OF CONTENTS

## ARTICLE 1. GENERAL PROVISIONS
- Section 1.1. Title ................................................. 1
- Section 1.2. Authority ............................................ 1
- Section 1.3. Exempt Divisions of Land: Claim of Exemptions ....... 1
- Section 1.4. Purpose ............................................... 1
- Section 1.5. Jurisdiction ......................................... 2
- Section 1.6. Written Decisions ................................. 2
- Section 1.7. Interpretation And General Policy Requirements .... 2

## ARTICLE 2. DEFINITIONS .................................................. 7

## ARTICLE 3. PRE-APPLICATION PROCESS .................................. 19
- Section 3.1. Pre-Application Conference; Data Requirements ....... 19
- Section 3.2. Sketch Plan Meeting; Data Requirements ............... 22

## ARTICLE 4. PRELIMINARY PLAT REVIEW PROCESS ................... 25
- Section 4.1. Preliminary Plat Submittal .......................... 25
- Section 4.2. Agency Review ........................................ 25
- Section 4.3. Public Hearings on Preliminary Plats ................ 28
- Section 4.4. Expiration of Preliminary Plat ....................... 29
- Section 4.5. Preliminary Plat Data Requirements .................. 29

## ARTICLE 5. FINAL PLAT REVIEW PROCESS .......................... 35
- Section 5.1. Final Plat Submittal .................................. 35
- Section 5.2. Decision on Final Plat ............................... 35
- Section 5.3. Final Plat Data Requirements ......................... 36
- Section 5.4. Advertising Standards ................................ 40
- Section 5.5. Requirements Prior to Sale, Lease or Other Conveyance 41
- Section 5.6. Recording Parcels ................................... 42
- Section 5.7. Water Permits ........................................ 43

## ARTICLE 6. SUMMARY REVIEW PROCESS ............................. 45
- Section 6.1. Summary Review Procedure ............................ 45
- Section 6.2. Summary Review Data Requirements ................... 46

## ARTICLE 7. SPECIAL PROCEDURES ...................................... 49
- Section 7.1. Succeeding Subdivisions .............................. 49
- Section 7.2. Resubdivision ......................................... 49
- Section 7.3. Vacation of Plats ..................................... 49
- Section 7.4. Variances ............................................. 50
- Section 7.5. Amendment ............................................. 52
- Section 7.6. Exemptions ............................................ 52
- Section 7.7. Protection of Cultural Properties, Archaeological Sites, and Unmarked Burials 53

## ARTICLE 8. REQUIRED IMPROVEMENTS ................................ 55
- Section 8.1. Construction of Required Improvements ............... 55
- Section 8.2. Road Development ...................................... 55
- Section 8.3. Improvement Guarantees ............................... 56

## ARTICLE 9. ADMINISTRATIVE FEES .................................... 57
ARTICLE 10. APPEALS ................................................................. 59
  Section 10.1. Who May Appeal ............................................. 59
  Section 10.2. Appeal Process .............................................. 59

ARTICLE 11. ENFORCEMENT, PENALTIES, AND REMEDIES ............. 61
  Section 11.1. Purpose and Authority ................................... 61
  Section 11.2. Investigation of Alleged Violations .................... 61
  Section 11.3. Penalties and Remedies .................................. 61

ARTICLE 12. SEVERABILITY ...................................................... 63

ARTICLE 13. REPEAL AND EFFECTIVE DATE ................................. 63

APPENDICES to these Grant County Subdivision Regulations:

  Appendix A - Water Availability
  Appendix B - Water Quality
  Appendix C - Liquid Waste
  Appendix D - Solid Waste
  Appendix E - Road Development Plan
  Appendix F - County Road Ordinance
  Appendix G - Terrain Management
  Appendix H - Exactions and Impact Fees
  Appendix I - Mobile Home Parks
  Appendix J - Forms:
    Form 1 - Disclosure Statement (five lots or less)
    Form 2 - Disclosure Statement (six lots or more)
    Form 3 - Subdivision Improvement Agreement
    Form 4 - Subdivision Improvements Bond
    Form 5 - Letter of Credit
    Form 6 - Claim of Exemptions
    Form 7 - Application for Preliminary Plat Approval
    Form 8 - Application for Final Plat Approval
    Form 9 - Application for Summary Review Plat Approval
    Form 10 - Application for Variance
    Form 11 - Notice of Appeal
ARTICLE 1. GENERAL PROVISIONS

Section 1.1. Title

This ordinance shall be known and may be cited as the "Grant 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, as amended in 1995 (hereinafter "the New Mexico Subdivision Act" or "the Subdivision Act"); §§4-37-1 et seq. NMSA 1978; and §§3-20-5, 3-20-6, and 3-20-9 NMSA 1978, the Grant County Comprehensive Land Use Plan (Resolution No. 94-05-05, Ordinance No. 94-06-16) These Regulations repeal the Regulations Governing the Subdivision of Land, Grant County, New Mexico, 1994.

Section 1.3. Exempt Divisions of Land: Claim of Exemptions

Any person seeking exemption from the requirements of the New Mexico Subdivision Act, pursuant to Section 47-6-2 J. (1) through (13) of the Subdivision Act; and pursuant to the definition of Subdivision contained within these Regulation, shall submit to the office of the County Code Enforcement Officer the following:

1. a copy of the County Assessor’s tax map or other map showing the location of the property to be conveyed within the Township(s) and Section(s) of Grant County;
2. a description of the property by metes and bounds or by quarter-section description; and,
3. any other evidence of entitlement as required in the Claim Of Exemptions form (Form 6 of Appendix J to these Regulations)

Section 1.4. Purpose

These Regulations are adopted for the following purposes:

1.4.1. To provide for and protect the public health, safety, and general welfare of the County;
1.4.2. To guide the future growth and development of the County in accordance with the Grant County Comprehensive Land Use Plan and any Capital Improvements Programs and other subsequent plans adopted by the County;
1.4.3. 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;
1.4.4. 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;
1.4.5. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements appropriate
to the various uses of land and buildings; and to provide for the proper location and
width of streets;

1.4.6. 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,

1.4.7. 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.

1.4.8. To protect the character and the social and economic stability of all parts of the County
and to encourage the orderly and beneficial development of the community through
appropriate growth management techniques assuring the timing and sequencing of
development and assuring adequate infrastructure to all development, to ensure that the
public facilities and services are available concurrent development and that the
community be required to pay no more than its fair share of the cost of providing
facilities and services to new development;

1.4.9. To remedy problems associated with inappropriately subdivided lands, including
premature subdivision, excess subdivision, partial or incomplete subdivision, scattered
and low-grade subdivisions;

Section 1.5. Jurisdiction

These Regulations shall govern all subdivision of land not within the boundaries of municipalities
but within the County. The County and an incorporated municipality shall exercise concurrent
jurisdiction over the territory within the platting jurisdiction of both the County and the
municipality. In this case, the more stringent land subdivision regulations will apply as to each
requirement unless Grant County and the municipality agree otherwise. When Grant County and
any incorporated municipality agree to adopt joint regulations and procedures to operate for
subdivisions located within the extraterritorial jurisdiction, that agreement will, upon ratification
of both entities, become a part of these Regulations.

Section 1.6. 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 1.7. Interpretation And General Policy Requirements

The provisions of these Regulations are held to be minimum requirements. Whenever any
provisions of these Regulations conflict with other laws, rules, regulations, covenants, or
ordinances, the more restrictive shall govern. These Regulations shall be construed broadly to
promote the purposes for which they were adopted. The Grant County Manager shall interpret
the meaning of the provisions of these Regulations. Disagreement with an interpretation may be
appealed to the Board of County Commissioners. The Board of County Commissioners’ decision
may be appealed to District Court.

1.7.1. - ACCEPTANCE OF PUBLIC LANDS - Approval of a subdivision by the Grant
County Commission does not constitute acceptance of any dedicated property for
maintenance by the County. Acceptance for maintenance by the County requires an
application by the subdivider or property owner for such maintenance to the County
Commission, and specific action by the County Commission. See Appendix F, the Grant County Road Ordinance.

1.7.2. - ASSURANCE OF ACCESS TO EACH LOT - The County Commission will not approve the subdivision of land unless there is a title insurance policy, abstract of title, or some other suitable documentary evidence, or some suitable assurance acceptable to the Commission, ensuring legal right-of-way access to each lot in the subdivision, ultimately to a public road, submitted with the final plat. Private roads may be used within a subdivision if the roadway is a separately subdivided tract owned jointly by all lot owners in the subdivision.

1.7.3. - RESUBDIVISION - Resubdivision of lots within a previously approved subdivision constitutes a new subdivision. No lots in a previously approved subdivision shall be redivided without obtaining formal approval by the Grant County Commission for a new subdivision as required in these Regulations.

1.7.4. - SUBDIVISION IMPROVEMENTS - All construction of subdivision improvements shall be reviewed, by a certified, professional engineer, that it has been performed in accordance with plans as submitted.

1.7.5. - MINE SHAFTS AND/OR TUNNELS - The subdivider shall make a determined effort to identify the approximate location of mine shafts, tunnels, and/or associated excavations which are present on the property to be subdivided, and shall disclose the identity of the owner(s) of mineral rights appurtenant to the property.

1.7.6. - COMMUNITY ASSETS - The subdivider shall provide general description of the land, including natural vegetation, erodible soils, drainage courses, historical sites and structures and significant anthropological and archaeological sites. These features shall be preserved, if, in the opinion of the Board of County Commissioners, it is in the public interest to avoid unwarranted deterioration and destruction of these natural historic, anthropological or archaeological or other community assets.

1.7.7. - SUITABILITY OF THE LAND FOR SUBDIVISION - Subdividers shall provide the County Commission and interested state agencies with information regarding the following: land topography; soil erosion; water table; waste-water collection, treatment and disposal; surface availability; water supply, quantity and quality; historical, anthropological and archeological resources and flood plains, as further described in these Regulations and in the guidelines for subdivision regulations prepared by the New Mexico Environment Department, the New Mexico State Engineer’s Office, the State Historic Preservation Division, Office of Cultural Affairs, the local State Soil and Water Conservation District, and the State Highway Department.

1.7.8. - DEVELOPMENT PLAN - If the proposed plat is the first part of a larger scale development, a mixed-use development, or if the proposed development is in a flood plain, then the proposed plat shall not be considered by the reviewing staff, Subdivision Review Committee, or County Commission until a Development Plan has been submitted for approval by the reviewing staff. The Development Plan shall contain the data specified in Art. 3.1.8.
1.7.9. **PHASED DEVELOPMENT** - For all five (5) types of subdivision, the Board of County Commissioners may grant approval of phased development within a subdivision contingent upon the subdivider submitting for approval a definite schedule of completion for all subdivision construction improvements for each development phase. The Board of County Commissioners may set criteria for development of the initial phase as a condition for approval of subsequent phases. Improvements may not be started for subsequent phases until the subdivider obtains final approval for development of that phase. Each phase of a phased development shall require separate, final plat approval as per Articles 4.4.2, 4.5.5, and 5.1.1. The initial phase and all subsequent phases shall conform to these Regulations and other ordinances of Grant County in effect at the time of the preliminary plat approval date for that particular phase.

1.7.10. **CONFLICTS WITH OTHER REGULATIONS** - Whenever there is a discrepancy or conflict between minimum standards or dimensions noted herein, and those contained in zoning regulations, building codes, or other official rules and regulations of the County, any municipality within the County, the State of New Mexico, or the United States applicable for land within the County, the highest or most restrictive standard shall apply.

1.7.11. **CONSULTING OTHER AGENCIES** - Before acting on the preliminary plat, the County shall request a report from any person or agency as required by the New Mexico Subdivision Act or by these Regulations to assist in determining whether or not a subdivider can fulfill the proposals contained in his disclosure statement and in determining whether or not the subdivider's provision for a subdivision conform with these Regulations and the Subdivision Act.

1.7.12. **COUNTY ROAD ORDINANCE** - These Regulations incorporate the County Road Ordinance in Appendix F, which sets forth requirements for dedication of roads to the County and their acceptance for maintenance by the County. The County is under no obligation to maintain any subdivision road which has not been formally accepted for maintenance by the Grant County Commission.

1.7.13. **SUBdivider'S BURDEN TO NOTIFY COUNTY** - It shall be the burden of the subdivider to notify the County Commission upon commencement of development of an approved subdivision, and completion of each improvement, as provided in the Subdivision Improvements Agreement. (See Appendix J, Form 3 of these Regulations). It is also the subdivider's responsibility to notify the County concerning commencement of any service or maintenance which the County has obligated itself to provide, under the Subdivision Improvement Agreement.

1.7.14. **CONDITIONS FOR SITE IMPROVEMENT** - Prior to development of any site improvements a Subdivision Improvements Agreement between the Subdivider and the County Commission shall be signed regarding these planned site improvements (See Appendix J, Form 3 of these Regulations) Existence of pre-existing, non-conforming improvement infrastructure within a proposed subdivision will not be considered acceptable for final plat approval. The Subdivision Improvement Agreement shall provide financial guarantees in an amount sufficient to assure the satisfactory completion of all site improvements which the Subdivider plans to complete after final plat approval. The Subdivider shall be required to provide security in an amount equal to 125% of projected improvement costs in the form of a bond, an irrevocable letter of credit, an escrow account, a certificate of deposit or a blanket encumbrance with a trust account,
all of which shall have the County as beneficiary, or any other form of security which assures the County of the satisfactory completion of the subdivision site improvements. Examples of an improvement bond and an irrevocable letter of credit are found in Appendix J, Forms 4 and 5 of these Regulations. Estimates of costs shall be attached and signed by a licensed New Mexico engineer or contractor. Provisions shall be made in the Subdivision Improvements Agreement for a timely release of security upon completion of improvements. The Subdivider shall also provide financial security as described above in the amount of 10% of total projected improvement costs, whenever completed to guarantee workmanship and materials of the subdivision site improvement(s) for a period of three years after their completion by the Subdivider or agent, and their inspection and approval by Grant County.

1.7.15. - CORRECTIVE REPLAT - If, subsequent to subdivision approval and sale of subdivision lots, the subdivision survey, as well as surveys of subdivided lots, are found to be inaccurate, necessitating a resurvey of the subdivision as a whole or any individual lot in the subdivision, then it shall be the responsibility of the subdivider or the subsequent lot owners within the subdivision to file a corrective replat with the County Manager. The replat shall be approved administratively by the County Manager unless there are major changes in the replat which, in the discretion of the County Manager, require a full subdivision review. It will be the responsibility of the subdivider or subsequent lot owners to pay the costs of the resurvey and replatting, and any applicable County fees. Any resurvey and/or corrective plat shall be recorded in the office of the County Clerk and sent, registered mail, to all lot owners of record affected by the replat within the subdivision.

1.7.16. - AMENDMENTS TO SUBDIVISION PLAT AND SUPPORTING MATERIALS - Any amendments to the approved subdivision plat and/or supporting materials - including, but not limited to, the plan, documents and disclosure statements - shall be filed with the County Manager, and may be approved administratively by the office of the County Manager. If there are major changes in the plat the County Manager may require a full subdivision review, as provided in these Regulations. The approved amendments shall be filed in the office of the County Clerk and sent, registered mail, to each lot owner of record affected by the amendment of the subdivision.

1.7.17. - EXACTIONS AND IMPACT FEES - The County may require subdivision exactions, and impact fees in accordance with Appendix H.
ARTICLE 2. DEFINITIONS

For the purpose of these Regulations, certain words and terms are herewith defined. The singular includes the plural and the plural includes the singular. The words "shall," and "must" are mandatory.

Absorption Field - An area in which open joint, or perforated piping is laid in gravel-packed trenches, or excavations, for the purpose of distributing the effluent discharged from a collection tank. It is a part of an individual liquid-waste disposal system to increase absorption of liquid into the soil.

Aerobic Disposal System - A tank where air is introduced to the liquid waste by mechanical means together with a means of effluent disposal.

Alley - A minor public way, with a minimum of 10 foot width, which is used primarily as a service access to the rear or side of properties which otherwise abut on a street;

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

Applicant - The owner of land proposed to be subdivided or their representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the land to be subdivided.

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

Arroyo - A dry wash or draw which flows only occasionally.

Bedrock - Consolidated earth materials. It includes fractured and cavernous rock.

Block - The enclosed area within the perimeter of the streets or property lines enclosing it.

Body of Water - All constrained water including water situated wholly or partly within or bordering upon this County, whether surface or subsurface, public or private.

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

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

Cluster well - A water supply system which relies upon a well and which serves more than one service connection but less than 15 service connections. A cluster well is not a community water system, as defined in these Regulations.

Code Enforcement Officer - An employee of Grant County charged with enforcing County Ordinances including these Regulations.
Collector street - A roadway that serves as a connection between two or more minor thoroughfares and a major thoroughfare. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face upon it.

Common Promotional Plan - Any plan or scheme of operation, undertaken by a single subdivider or a group of subdivider acting in concert, to offer for sale or lease parcels of land where such land is either contiguous or part of the same area of land or is known, designated or advertised as a common unit or by a common name.

Community Liquid Waste (Treatment) System - A liquid waste system which receives a design flow of more than two thousand (2,000) gallons of liquid waste per day. It is subject to the New Mexico Water Quality Control Commission Regulations.

Community Water System - A water system which relies upon surface and/or groundwater diversions other than wells permitted by the State Engineer under Section 72-12-1 NMSA, and which consists of common storage and/or distribution facilities operated for the deliver of water to multiple service connections. A community water supply system shall have sufficient water rights to serve all lots within a subdivision through facilities which are under central ownership and management. A water supply system which has at least fifteen (15) service connections or which services at least twenty-five (25) year round residents, it is subject to the New Mexico State Environment Department Regulations governing water supplies.

Construction plans - The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of these Regulations.

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

Conventional Disposal System - An individual liquid waste disposal system that is a below grade soil absorption system with an excavated depth no deeper than four (4) feet from the ground surface. Some examples of conventional disposal systems are absorption trenches and seepage beds.

County - The County of Grant, New Mexico.

County reviewing staff - Employees of Grant County whose duties include conducting and facilitating the subdivision review process as prescribed in these Regulations.

County Manager - The administrative head of the County or his designated staff delegate.

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

Cul-de-sac - A local street with only one (1) outlet which culminates in a turnaround.

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

Curb cut - A depressed segment of a vertical roadway curb.
Curb return - A curved segment of curb used at each end of an opening in the roadway.

Current commitments (water supply) - The ability to serve current subdivisions at complete development and all commercial/industrial enterprises currently being served at their maximum demand requirements for water.

Design criteria - Standards that set forth specific improvement requirements.

Degrad e a Body of Water - 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 New Mexico Water Quality Control Commission Regulations, and by the Drinking Water Regulations.

Design Flow - The liquid waste flow rate for which a liquid waste system must be designed in order to assure acceptable system performance. Design flow is generally governed by regulations, standards, codes and accepted references.

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. The Disclosure Statement forms are Forms 1 and 2 of Appendix J of these Regulations.

Drainage Channel - Any depression into which storm water flows along a defined course.

Drainage Plan - A plan indicating an off-site drainage proposal, the passage of storm water through the development, and safe discharge of run-off onto adjacent lands or into storm drainage facilities. Also, a comprehensive analysis of (a) the existing storm drainage conditions of a proposed development, and (b) the disposal of the increased run-off which is generated by the proposed development.

Dwelling unit - Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

Easement - A property owner's grant of specific purpose use or uses on that owner's land which does not abridge the right of the fee owner to the use and enjoyment of that land. An easement may be for use by the general public, a corporation or a certain person or persons.

Edge of a Watercourse, Canal, or Arroyo - That point of maximum curvature at the upper edge of a definite bank or, if no definite bank exists, the highest point where signs of seasonal high water flow exist.

Engineer - A person who is engaged in the practice of engineering and is qualified to so practice as attested by a legal registration as a Professional Engineer in the State of New Mexico.

Erosion - Soil movement due to wind, water, or gravity.

Erosion Control Structure - Any man-made device designed to prevent or control erosion.

Escrow - One form of assurance of financial commitment established with the local government or escrow agent to secure the promise to perform some act.

Extraterritorial Jurisdiction (ETJ) - The area of land surrounding any incorporated municipality within Grant County in which both Grant County and that municipality exercise concurrent regulatory
jurisdiction over subdivisions. This jurisdiction extends three miles outward from the municipal boundary. (See New Mexico Revised Statutes §3-20-5(A)(2) and (3) (1978 Comp.)

**Final Plat** - A survey plat, or replat, certified by a Professional Surveyor, licensed to practice in the State of New Mexico which contains a description of the subdivided land with ties to permanent monuments prepared in a form suitable for filing record, meeting the requirements of these Regulations.

**Flood Control** - The measures necessary or taken to protect the public's health, safety or welfare from the effects of flooding.

**Flood Plain** - Any area susceptible to inundation by water from a 100 year storm as designated on the "Flood Boundary and Flooding Map" prepared by the U.S. Department of Housing and Urban Development, or similar maps prepared by the Army Corps of Engineers, Federal Emergency Management Agency or other similar federal agency.

**Flood Fringe** - Any area which will be flooded by high water from a 50 year frequency storm, as designated on a federal agency flooding map. See "Flood Plain".

**Floodway** - Any area which will be flooded by high water from a 25 year frequency storm, as designated on a federal agency flooding map. See "Flood Plain".

**Frontage** - The side of a lot abutting on a street or way and ordinarily regarded as the front of the lots.

**Frontage street** - Any street where development shall take place on one or both sides.

**Ground Water** - Underground, 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.

**Hazard to Public Health** - The indicated presence in water or soil of chemical, biological, or agents under such conditions that may adversely impact human health.

**Immediate Family Member** - Husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by natural birth or adoption.

**Impact Fees** - Charges levied against a new development, pursuant to the provisions of the Development Fees Act, NMSA §§5-8-1 to 5-8-41, in order to assist in generating revenue for funding of additional community facilities and services necessitated by that development.

**Improvements** - Includes infrastructure such as streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, bike paths, trails, water, sewer, electric, telephone, cable and gas systems and aerobic disposal systems.

**Individual Liquid Waste System** - A liquid waste system that serves only one residence or business and which receives a design flow of two thousand (2,000) or less gallons of liquid waste per day. It includes, but is not limited to, septic tank systems and aerobic disposal systems, and is subject to the New Mexico Environmental Improvement Board's Liquid Waste Disposal Regulations.

**Landscaping** - Plants, trees and ground cover, whether naturally occurring or designed by the owner.
**Lease** - An agreement granting, or an offer to grant, the use or occupation of land for a specified period of time, in exchange for rent or other compensation.

**Liquid Waste** - Domestic wastewater (sewage) containing human excreta. It includes non-liquid-carried excreta.

**Liquid Waste Disposal System** - A component of a liquid waste system which disposes of the discharge from a liquid waste treatment system or unit.

**Liquid Waste System** - A system which is designed, constructed, operated and maintained to receive, treat and dispose of liquid wastes. It usually consists of collection, treatment and disposal components.

**Liquid Waste Treatment System** - A component of a liquid waste system which removes, reduces, or alters the objectionable constituents of liquid waste.

**Local District** - The Grant Soil and Water Conservation District.

**Local road** - A road whose primary function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes, or other utilities.

**Lot** - See definition of parcel.

**Major arroyo** - Any channel serving a watershed exceeding 320 acres, whether in its natural or an altered state.

**Master plan** - That portion of a preliminary plat submitted in connection with a multi-phase or phased subdivision application which provides the information and graphics meeting the requirements of this ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision over a period of years.

**Mobile Home** - A movable or portable housing structure constructed to be towed on its own chassis or as a self-contained motor vehicle, installed with permanent utility connections, for human occupancy as a permanent residence which is not designed, constructed, or inspected in accordance with the requirements and specifications of the New Mexico Uniform Building Code; and which is designed, constructed, and inspected in accordance with the requirements and specifications of the Federal Mobile Home Construction and Safety Standards. "Mobile Home" does not include modular or premanufactured homes, built to the State of New Mexico Uniform Building Code standards, designed to be permanently affixed to real property. Mobile home parks, as defined in these Regulations, shall be deemed subdivisions and are subject to these Regulations.

**Maximum annual water requirement** - The total annual diversion required from the source to meet the water use requirements of the subdivision, including conveyance losses.

**Mobile Home Park** or **Trailer Park** - A parcel of land used for the continuous accommodation of two (2) or more occupied mobile homes which are either sold, leased or otherwise conveyed, either individually or together with the land upon which they sit, for nontransient use. "Mobile Home Park" shall be deemed a subdivision for purposes of these Regulations. Technical standards and requirements for mobile home park subdivisions are set out in Appendix I to these Regulations.
Manufactured Home or Modular Home - A building or structure made or assembled in manufacturing facilities away from the building site or for installation or assembly on a building site; which is designed, constructed, and inspected in accordance with the requirements and specifications of the New Mexico Uniform Building Code; whose structural, electrical, water supply, sanitary sewage, heating, insulation, and mechanical components are designed, constructed, and inspected in accordance with the requirements of the New Mexico Uniform Building Code; and which is permanently affixed to a foundation, designed, constructed, and inspected in accordance with the requirements of the New Mexico Uniform Building Code.

Net lot size - The area of a lot excluding any area dedicated by easement or use to provide ingress and egress for vehicular passage to more than one lot or more than five (5) residential or commercial units on a single lot.

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

Off-site - Any premises not located within the boundaries of the property to be subdivided, whether or not in the ownership of the applicant for subdivision approval.

Open range - Any unfenced rangeland that is currently used or could potentially be used for the grazing of livestock.

Overtopping - The occurrence of water flowing at any depth over the crown of a road.

Outdoor water features - Refers to any outdoor recreational and architectural uses of water, such as fountains, water gardens and fish ponds.

Owner - Any person or successor in interest having legal or equitable interest in a given property.

Parcel or lot - Unit of land capable of being described by location and boundaries and not dedicated for public or common use.

Pavement structure - The combination of sub-base and/or base course and surface courses placed on a subgrade to support and distribute traffic loads.

Percolation rate - 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.

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

Phase - Refers to a portion of a multi-unit subdivision which is intended to be developed as a unit.

Plat - A scaled drawing, developed from a survey performed by a licensed surveyor in the State of New Mexico, meeting the requirements of the Surveyors Practice Act, and the "Minimum Standards for Surveying in New Mexico".

Potable ground water - Water, contained in sub-surface strata, which meets the drinking water quality standards of the New Mexico Environment Department.
**Potential source of contamination** - Any source which could release substances resulting in the degradation of a body of water and a hazard to public health.

**Preliminary Plat** - Map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it; the preliminary plat shall be based upon an accurate and detailed survey of the land.

**Private water supply system** - A water system which less than fifteen (15) service connections or serves less than twenty-five (25) individuals.

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

**Public hearing** - A proceeding which is held by the Board of County Commissioners or their designee and which is preceded by notice to the public. At this proceeding applicants and other members of the public may be heard on matters listed on the agenda.

**Public water supply system** - A water system which has at least fifteen (15) service connections or serves at least twenty-five (25) individuals. It is subject to the New Mexico Environment Department Drinking Water Regulations.

**Purchaser** - Any person who buys land within a subdivision.

**Registered cultural property** - Any building, structure, site, archaeological site, district, object, or collection of objects determined to possess archaeological, architectural, historic, 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.

**Representative Water Sample** - A water sample which can be expected to reflect the current quality of the water proposed for use within the subdivision. A water sample (and water quality analysis) more than three (3) years old, or from a source that is more than two-thousand five hundred (2,500) feet from the proposed subdivision is not considered representative.

**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.

**Right-of-way, dedicated** - Land deeded, reserved by plat or otherwise acquired by the County, which is dedicated to the public for use as a road or drainage channel or for other public use.

**Roadway** - That portion of the street right-of-way available for vehicular traffic.

**Seasonal High Ground Water Table** - The highest level to which the upper surface of the ground water may be expected to rise within a one (1) year period.

**Sediment** - Soil or other surface material transported by wind or surface water.

**Sell** - To convey title to real property to a person in exchange for money or other valuable consideration.
Septic Tank System - A tank and attached absorption field which is designed and constructed to separate solids from liquids in the effluents from a lot or lots, and which is designed to digest organic matter through anaerobic processes and to disperse the liquid excess into the soil.

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

Sidewalk - A pedestrian walkway with permanently improved surfacing.

Sketch plan - A map showing proposed street layout, lots, drainage structures, arroyos, and land proposed for public use, with estimated dimensions. A sketch plan shall include a general vicinity map showing the location of the proposed subdivision with reference to existing roadways, municipalities, and other landmarks.

Soil and Water Conservation Districts - A governmental subdivision of the State. These Districts are organized for the purposes of:
1. furthering the beneficial application, and proper disposal of water, including promoting the use of impounded water for recreation, propagation of fish and wildlife, irrigation and for industrial needs; and,
2. conserving and developing the natural resources of the state, preventing soil erosion, providing for flood control to prevent floodwater and sediment damage, preserving the wildlife, protecting the tax base, and promoting the health, safety, and general welfare of the people of New Mexico.

Soil Survey - A national cooperative soil survey conducted by the United States Department of Agriculture, National 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 national standards for an Order 2 survey.

Solid Waste - Any solid or semi-solid garbage, rubbish or other discarded material which results from household, commercial, industrial or recreational activities which is not waterborne in a sewage system. Systems for the collection, transportation and disposal of solid waste are subject to the State Environmental Department's Solid Waste Management Regulations.

Street or Road - A public or private way which affords the principal means of access from a lot, parcel, or area of land to other lots, parcels, or areas of land, and which has been dedicated or reserved by plat. A street or road may be maintained by the County, or may be privately maintained.

Street or road grade - The slope of a road, street or other public way specified in percentage terms.

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.

Subdivide - To divide a surface area of land into a subdivision.

Subdivider - Any person/agent who creates or who has created a subdivision, individually or as part of a common promotional plan, or any person engaged in the sale, lease, or other conveyance of subdivided land; however, "subdivider" does not include any duly licensed real estate broker or salesperson acting on another's account.
Subdivision - Division of a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease, or other conveyance; or for building development, whether immediate or future; however, "subdivision" does not include:

1) sale, lease, or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years;

2) sale or lease of apartments, offices, stores or similar space within a building;

3) division of land within the boundaries of a municipality;

4) division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;

5) division of land created by court order where the order creates no more than one parcel per party;

6) division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities;

7) division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;

8) division of land to create burial plots in a cemetery;

9) division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member;

10) division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division of land is not the result of a seller-financed transaction;

11) sale, lease, or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;

12) division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501 (c) (3) of the United States Internal Revenue Code of 1986, as amended; school, college, or other institution with a defined curriculum and a student body and faculty which conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity; or

13) sale, lease, or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period, provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease, or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey shall be filed with the County Clerk indicating the five (5) year holding period for both the original tract and the newly created tract.

Grant County Subdivision Regulations - effective April 15, 1997
Subdivision Review Committee - The officially appointed Subdivision Review Committee of Grant County, New Mexico, which has been established by ordinance by the County Commission to review subdivision applications and to make recommendations to the County Commission concerning these applications.

Substantial completion/compliance - A certification by the County that work within a subdivision is sufficiently completed in accordance with plans and specifications so that it can be used for the purposes for which it is intended.

Sufficient water rights - Current commitments subtracted from the water rights that the water supply company or utility currently controls.

Surveyor - A person who is engaged in the practice of surveying and is qualified to so practice as attested by legal registration as a professional surveyor in the State of New Mexico.

Terrain Management - Control of floods, drainage and erosion, and measures necessary to adapt proposed development to existing soil characteristics and topography.

Terrain Management Plan - The proposal for the control of floods, drainage and erosion, and measures required for adapting proposed development to existing soil characteristics and topography within a subdivision.

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

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

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

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

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

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

Type Five subdivision - Any subdivision containing not more than twenty-four (24) parcels, each of which is ten (10) acres or more in size.
<table>
<thead>
<tr>
<th>Type</th>
<th>Number of Parcels</th>
<th>Size of Smallest Parcel</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>500 or more</td>
<td>Less than 10 acres</td>
</tr>
<tr>
<td>Two</td>
<td>25 to 499</td>
<td>Less than 10 acres</td>
</tr>
<tr>
<td>Three</td>
<td>2 to 24</td>
<td>Less than 10 acres</td>
</tr>
<tr>
<td>Four</td>
<td>25 or more</td>
<td>10 acres or more</td>
</tr>
<tr>
<td>Five</td>
<td>2 to 24</td>
<td>10 acres or more</td>
</tr>
</tbody>
</table>

**Unmarked human 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.

**Vacation** - Act of rescinding (canceling) all or part of a recorded subdivision plat, including legal dedications and grants of easements or rights-of-way.

**Variance** - Variation from the strict application of these Regulations, approved by the Grant County Commission. Financial gain or loss shall not be the determining factor in deciding a variance.

**Vicinity map** - A map used to locate the subdivision showing relationship to existing roadways, municipalities and other landmarks.

**Water control structure** - Any device for containing or channeling water.

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

**Water Supply System or Water System** - A system which is designed, constructed, operated, and maintained to provide potable water for domestic or commercial use. It usually consists of source, treatment, transmission, storage, pumping and distribution facilities.

**Watercourse** - Any river, creek, spring, stream, arroyo, draw, wash, or any other channel having definite banks and evidencing the regular or occasional flow of water.
ARTICLE 3. PRE-APPLICATION PROCESS

Section 3.1. Pre-Application Conference: Data Requirements

3.1.1. Pre-Application conference. For the purpose of expediting applications and reducing subdivision design and development costs, the County requires that the subdivider meet with the County reviewing staff for an informal pre-application conference in accordance with the requirements provided herein. The pre-application conference is intended to provide general advice to the subdivider about the procedures and data requirements for subdivision review and approval in the County.

3.1.2. Summary procedure conference. All proposed subdivisions which qualify for approval under the summary procedure provided in Article Six of these Regulations shall begin with a pre-application conference.

3.1.3. Scheduling. The subdivider and the County reviewing staff shall schedule a pre-application conference in order for the subdivider to meet with appropriate County representatives and to become acquainted with the necessary requirements for subdivision review and approval.

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

3.1.5. Statements non binding. Neither the subdivider nor the County shall be bound by any statements made during the pre-application conference.

3.1.6. Application. The County reviewing staff shall provide to the subdivider sufficient information for preliminary plat submittal in order that the subdivider can proceed through the County subdivision review and the requirements of the New Mexico Subdivision Act.

3.1.7. Conditions for a Development Plan - At this first pre-application conference meeting the subdivider will be asked the following questions:

   i.  Is the development a phase of a larger subdivision development?
   ii. Is the development mixed use?
   iii. Is the development in a flood plain?

   If the answer to any of the above questions is "yes", the subdivider shall submit a development plan to be prepared by a registered Professional Engineer (P.E.) in the State of New Mexico.

   If the subdivider answers "no" to all three questions, the subdivider shall sign a legal agreement with the Grant County Commission which will include severe penalties for breaches of the agreement. The subdivider will be required to meet Type I or Type II Subdivision requirements if the combined development meets acreage and parcel number requirements.
The County reviewing staff may submit the Development Plan to other state and federal agencies in addition to the State Engineer, Environment Department, Grant County Soil and Water Conservation Board, and State Highway Department. Such agencies may include, but are not limited to, the Attorney General, the New Mexico Forestry Division, the Game and Fish Division and the Resource Development Division of the New Mexico Natural Resources Department, the United States Soil Conservation Service, the United States Forest Service, the Bureau of Land Management, and servicing fire departments.

3.1.8. Development Plan Requirements. If a Development Plan is required pursuant to Article 3.1.7 above, the Subdivider shall provide the following general information:

a. A Color-Coded Development Plan Map superimposed on topography with contours at intervals appropriate to the scale and land slope.
   (1) Legend interpreting the map.
   (2) A written report explaining map interpretation of residential, commercial, recreational, industrial, educational, and other functional areas and giving the criteria used in determining the size and location of these areas.
   (3) Location map
      i. Total acreage to be developed.
      ii. How units will be phased.

b. Number of lots:
   (1) Under one acre.
   (2) Over one acre but less than two and one-half acres.
   (3) Two and one-half acres and over.

c. Development Plan policies relative to:

   (1) Residential - Architectural design and quality of home to be constructed.
      i. Single-Family units.
      ii. Multi-Family units.

   (2) Parks and open space
      i. Dedicated park areas for neighborhood and community recreation.
      ii. Bridle path - arroyo systems.
      iii. Natural or "wild" areas.
(3) Community Facilities (number, location, who will develop and when, who will maintain and when). - Criteria used in determining size and location.
   i. Parks and recreation facilities.
   ii. Schools
   iii. Fire and Police
   iv. Gas, Power and Telephone
   v. Medical facilities, related services
   vi. Buffer strips
   vii. Transportation facilities and related services
(4) Commercial and Industrial Areas - Number and location, type restrictions (number, location, who will develop and when, who will maintain and when); criteria used in determining size and location.

d. Water Supply Plan - Water System - All subdividers must submit a plan for a water supply system or an application for a variance.

e. Solid Waste Disposal Plan.

f. Liquid Waste Plan.

g. Terrain Management Plan Outline - a concise outline of the plan which is required in the preliminary plat review phase, as described in Appendix G to these Regulations, which will include a plan for landscaping, for erosion and dust control, and plans for protection of natural vegetation, wildlife habitats, scenic vistas, and other environmental features, such as streams, waterfalls, etc.

h. Road Development Plan.

i. Plans for preservation of historic, anthropological, and archaeological sites.

j. Plans for stabilizing sites where settling could occur.

k. Timing and Staging of Development as to unit priorities and projected development period.

l. Copy of deed restrictions, protective covenants and copies of existing easements within the property to be subdivided, including any easements showing access.
Section 3.2. Sketch Plan Meeting: Data Requirements

3.2.1. Sketch plan meeting. A sketch plan shall be prepared by the subdivider and shall be submitted to the County reviewing staff at a meeting held not less than two weeks after the pre-application conference. This sketch plan will show 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. It is recommended that the subdivider bring his or her engineer to this meeting.

3.2.2. Explanation of requirements for Sketch Plan submittal. The following is required from the subdivider one week before the sketch plan meeting:

a. A vicinity map showing the existing characteristics, topographical and natural features; a soil survey, identifying the specific soil types within the area to be subdivided; and water availability and water quality information.

b. The Sketch Plan. The sketch plan will include the following required components: General layout of streets and typical section; layout of the lots and easements; location of utilities; liquid waste proposal; water source and distribution proposal; solid waste proposal; location of proposed public facilities. The sketch plan shall be submitted by the subdivider before a formal application for preliminary plat approval is filed.

c. Additional information. In addition to the sketch plan and location map, the subdivider shall provide information including, but not limited to, the following:

(1) name and mailing address of the subdivider and designated agent, if any;
(2) name of owner or owners of land to be subdivided;
(3) a written description of the proposed subdivision;
(4) a description of surrounding land uses; and
(5) accessibility of site to roads and utilities.

3.2.3. The County reviewing staff shall, at the Sketch Plan meeting, determine the type of development proposed as defined in the New Mexico Subdivision Act and these Regulations. The subdivider and staff shall discuss any proposed variances and shall schedule future Preapplication phase meetings:

(1) At the Sketch Plan meeting the County reviewing staff and the subdivider may discuss any variances to County subdivision requirements to be proposed by the subdivider. Any variance requests must formally be made during the Preliminary Plat review phase pursuant to the procedure outlined in Article 7.4.1 through 7.4.3.
(2) The subdivider and staff shall schedule the following meetings:

i. a site visit to the subdivision location with the County reviewing staff, including the County Engineer, and with two members of the Subdivision Review Committee

ii. a Draft Agreements Conference in order to present, in draft form, the following required documents to County reviewing staff: the Disclosure Statement (Forms 1 and 2 of Appendix J of these Regulations), and the Subdivision Improvements Agreement (Form 3 of Appendix J of these Regulations).

a. The County staff review team, along with the County Engineer and two members from the Subdivision Review Committee, will review the sketch plan.
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.

a. Fifteen (15) copies of the preliminary plat and supplemental material required (four copies each of the terrain management, water and road design and specifications plans) and a letter of application for approval of the preliminary plat shall all be submitted to the County together with the required preliminary plat fees.

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 the subdivider submitting the preliminary plat and all supporting documentation along with a completed Application for Preliminary Plat Approval form (found in Appendix J, Form 7 of these Regulations), together with the required fees, to the office of the Grant County Manager.

4.1.3. Plat deemed complete. On receipt of the application, fees, preliminary plat, and supporting documentation, the County reviewing staff 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 ten (10) working days after the date of application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be notified and be given time to correct the deficiencies and return the preliminary plat for consideration. If the additional information is not received by the County within six months of the date of the notification, resubmittal of a new application accompanied by an entirely new subdivision package will be required.

Section 4.2. Agency Review

4.2.1. Plat transmittals. Within ten (10) working days after the date that the preliminary plat is deemed complete, the County reviewing staff shall forward a copy of the preliminary plat and supporting documentation to the following state and local agencies by certified mail "return receipt requested" with a request for review and 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; and,
e. State Historic Preservation Division;
f. Appropriate local School District; and
g. County Agencies. Requests for review shall be delivered to County Departments
through inter-office mail and date stamped on material received shall serve as
receipt of delivery.

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 reviewing staff shall obtain receipts or other proof showing the date
the opinion request was received by each state or local agency.

4.2.3. Agency requirements. Prior to approving any subdivision, the County reviewing staff
shall insure that the following representatives and individuals have been contacted and
given a reasonable opportunity to make their comments on the subdivision within thirty
days receipt of the plat, and that their comments on the subdivision, if any have been
received within the time limits permitted in this regulation, have been given due
consideration. In addition to the following agencies, the County reviewing staff may also
request opinions from any other agency or individual with specific expertise relating to
the development of a given subdivision. The following agencies will be contacted:

a. State Engineer to determine: (1) whether the subdivider can furnish sufficient
water quantity to fulfill the maximum annual water requirements of the
subdivision, including water for indoor and outdoor domestic uses; and (2)
whether the subdivider can fulfill the proposal in his disclosure statement
concerning water, excepting water quality;
b. Department of Environment to determine: (1) whether 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
promulgated pursuant to the Environmental Improvement Act (§§ 74-1-1 to 74-1-
10, NMSA 1978 Comp.); (2) whether there are sufficient liquid and solid waste
disposal facilities to fulfill the requirements of the subdivision in conformity with
state regulations promulgated pursuant to the Environmental Improvement Act,
the Water Quality Act (Section 74-1-6 NMSA 1978 Comp.) and the Solid Waste
Act (Section 74-9-1, NMSA 1978 Comp.); and, (3) whether the subdivider can
fulfill the proposals contained in the disclosure statement concerning water
quality and concerning liquid and solid waste disposal facilities;
c. State Highway and Transportation Department to determine whether the
subdivider can fulfill the state highway access requirements in conformity with
state regulations promulgated pursuant to Section 67-3-16, NMSA 1978 Comp.;
d. Soil and Water Conservation District to determine: (1) whether the subdivider
can fulfill terrain management sufficient to protect against flooding, inadequate
drainage and erosion; and (2) whether the subdivider can fulfill the proposals contained in the disclosure statement concerning terrain management;

e. State Historic Preservation Division to determine that cultural properties, directly affected by the subdivision are identified and protected, as required by the Cultural Properties Act, Section 18-6-8.1, NMSA 1978 Comp.;

f. Local County Volunteer Fire Department to determine whether the subdivision proposal complies with applicable portions of the National Fire Protection Act (NFPA);

g. County Engineer to determine whether the design, layout, construction details, disclosure statement and all other facets of the plan and specific components of the subdivision proposal conform to all applicable standards;

h. County Emergency Management Coordinator to determine whether the subdivision lies within a F.E.M.A. designated flood plain and to notify the subdivider of any ongoing or proposed projects which will affect the proposed subdivision;

i. All utility companies affected by the proposed subdivision to determine whether the proposed subdivision can provide easements and rights-of-way to meet their respective service needs; and,

j. The affected local school district to review the plat and to state whether a school site is proposed in or adjacent to the subdivision.

4.2.4. Hearing deadlines. If the opinions received from all agencies are favorable, the County reviewing staff shall schedule a public hearing with the County Commission for consideration and action on the preliminary plat within thirty (30) days following the receipt of such favorable opinions. If the County does not receive a requested opinion within the specified thirty (30) days, it shall proceed with the required public hearing. At least seven days prior to the scheduled hearing, the subdivider and the County reviewing staff shall meet with the Subdivision Review Committee and obtain its recommendations.

4.2.5. Adverse opinion. If any opinion from a public agency is adverse including any opinion which withholds agency approval pending a request for additional information, the agency submitting the opinion shall cite the law or regulation for the basis of such denial or request. The County reviewing staff shall forward a copy of the adverse opinion to the subdivider and shall request that additional information be provided to the County within thirty (30) days to respond to the concerns of the appropriate agency. The County reviewing staff 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 reviewing staff shall obtain receipts or other proof showing the date the additional information was received by each state or local agency.

4.2.6. Revised opinion. The County reviewing staff shall schedule a public hearing of the County Commission for consideration and action within thirty (30) days after the receipt
of a revised opinion from the appropriate agency. At least seven days prior to this scheduled hearing, the County reviewing staff shall meet with the Subdivision Review Committee and obtain its recommendations. 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 after receipt of all requested opinions, either favorable or revised, 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 once 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 and his agent or agents registered with Grant County;
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,
d. owners of property contiguous to or holders of easements within the 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 tape recording 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.** At the public hearing or at a public meeting held not less than 15 days thereafter, the Board of County Commissioners shall approve, approve with conditions, or disapprove the preliminary plat. The date, time, and place of the public meeting shall be announced publicly at the conclusion of the public hearing. The County reviewing staff shall inform the subdivider in writing of the decision of the Board of County Commissioners.

Grant County Subdivision Regulations - effective April 15, 1997
4.3.6. **Approval.** Approval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide in the preparation of the final plat.

Section 4.4. **Expiration of Preliminary Plat**

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

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

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

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

Section 4.5. **Preliminary Plat Data Requirements**

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

   a. water is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;

   b. water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination;

   c. there is a means of liquid waste disposal for the subdivision;

   d. there is a means of solid waste disposal for the subdivision;
e. there are satisfactory roads 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 be provided by the subdivider as per the requirements detailed in the Appendices attached hereto; this documentation. At a minimum, the plat shall show all proposals, including the following elements; refer to Article 5.3.2., Final Plat Specifications, for additional details:

a. title, scale, north arrow and date; the names and addresses of the owner or owners of the land to be subdivided; the subdivider, if other than the owner, and the land surveyor; and, a legal description, including the range, township, and section within which the subdivision is located, if applicable;

b. Proposed Streets, both on and adjacent to the subdivision: names, right-of-way widths, approximate grades, approximate distance between intersections, and curve radii;

c. Proposed right-of-way easements: location, width and purposes. Utility easements centered on rear or side of lot lines shall have a minimum width of 20 feet. These easements must be approved by the local utility companies on the final plat.

d. Proposed lot lines, with lot and block numbers and approximate lot dimensions;

e. Location, dimensions and purpose of any land sites to be reserved or dedicated for public use; should be shown on the plat, including any improvements to be made to that land; When a subdivision is traversed by a water course, drainage way, channel or storm drainage, the plat must provide an easement conforming with the lines and flood plain of such water course.

f. A statement on the plat that approved lots shall not be resubdivided without County Commission approval.
4.5.3. Supplementary Plan and Data - All plans shall contain the subdivider's name and address, the Disclosure Statement and a schedule of compliance.

a. Vicinity Map: A vicinity map drawn at a scale of not more than 2,000 feet to one inch with contours at not more than forty (40) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies.

b. Existing Characteristics: A description of existing conditions on land adjacent to this site. Map shall include the following:

(1) Boundary Lines; bearing and distances: The error of closure shall be that of New Mexico Minimum Accuracy Standards.

(2) Easements: Location, width and purpose.

(3) Streets on and immediately adjacent to the tract; name, right-of-way width, location, type of surfacing; sidewalks, curbs, gutters, culverts, etc.

(4) Utilities on and immediately adjacent to the tract; location, size and elevation of storm and sanitary sewers; location and size of water mains; and location of gas lines. If water mains and sanitary sewers are not located on or adjacent to the tract, the direction, distance and size of closest utilities, showing elevation of sewers, shall be indicated.

(5) Owners of record of unplatted land and existing subdivision plats by name and recordation, shall be shown for property adjacent to the tract.

(6) Zoning on and adjacent to the tract, if any.

(7) Title and Certificates. Present tract designations according to official records in the County Clerk's Office. Title under which the proposed subdivision is to be recorded, with name and address of owner. Notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any. Certification of the land surveyor licensed in accordance with the law of the State of New Mexico who prepared the plat.
This certification is mandatory. A metes and bounds description of the tract.

c. Topographical and Natural Features (See Appendix G for requirements) - Description of the topographical features of the site.

d. Soils - The soils of the proposed site shall be described as follows:

(1) Soil types, generally described.

(2) Areas and depth of the seasonal high water table.

(3) Areas of potential flood hazards including floodway, flood fringes, and flood plain.

(4) Estimated engineering properties, such as depth of soil, range in permeability, soil reaction and shrink-swell potential.

e. Street Plans (See Appendix E for requirements).

f. Terrain Management Plan (See Appendix G for requirements).

g. Water Supply Plan:

(1) Water source and availability and Water supply system plan including water conservation and fire protection plans. (See Appendix A for requirements).

(2) Water Quality (See Appendix B for requirements).

h. Liquid Waste Disposal Plan (See Appendix C for requirements).

i. Solid Waste Plan (See Appendix D for requirements).

j. Community Facilities Plan: The Community Facilities Plan shall contain the type, location, and size of the proposed facilities. Responsibility for development and maintenance will be stated.

(1) Parks and recreation facilities;

(2) Schools;

(3) Fire and Police.

4.5.4. **Filing specifications.** The subdivider shall submit fifteen (15) 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 not less than eighteen (18) inches wide and twenty-four (24) inches long, with one-half (1/2) inch borders. Sheets shall be numbered in sequence if more than one sheet is used. For any computer-generated maps, the subdivider shall use the DXF computer format.

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

4.5.6. **Disclosure statement.** The preliminary plat shall be accompanied by a draft disclosure statement in accordance with the standardized format provided in Appendix J, Form 1 (for subdivisions with 5 or fewer lots) or Form 2 (for subdivisions with 6 or more lots) of these Regulations. A disclosure statement shall be required for all subdivisions. The purpose of the disclosure statement is to permit the prospective purchaser, lessee, or other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease, or other conveyance of the land.

4.5.7. **Environmental 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.

4.5.8. **Water Permit for Final Plat Approval**

   a. Until July 1, 1997, the Board of County Commissioners shall require, prior to Final Plat Approval, that the subdivider provide a copy of a water permit obtained from the State Engineer for the subdivision water use;

      (1) for all subdivisions containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, issued pursuant to Sections 72-5-1, 72-5-23, or 72-5-24 NMSA 1978; or,

      (2) if the subdivision is located within a declared underground water basin, issued pursuant to those sections or to Sections 72-12-3, or 72-12-7 NMSA 1978 Comp. Until July 1, 1997, 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.
THIS PAGE INTENTIONALLY LEFT BLANK
FOR PAGINATION PURPOSES
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. 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 the subdivider submitting the final plat and all supporting documentation along with a completed Application for Final Plat Approval form (found in Appendix J, Form 8 of these Regulations), together with the required fees, to the office of the Grant County Manager. The County reviewing staff 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 ten (10) working 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 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. Appeals. Refer to Article 10.

5.2.4. Improvement agreement. Prior to Commission approval of the final plat for the subdivision or for any of its phases, 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 all subdivision improvements at the subdivider's expense.

5.2.5. **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. Sheets shall be eighteen (18) inches wide and twenty-four (24) inches long, with one-half (1/2) inch wide borders, drawn at a scale on more than two (2) sheets, they shall be accompanied by an index sheet of the same size showing the entire subdivision. The original drawing and four (4) blueprints or blackline copies shall be submitted with the application for approval of the final plat. The subdivider shall also submit ten paper copies of the final plat map and accompanying information. For any computer-generated maps, the subdivider shall use the DXF computer format.

**5.3.2. Final Plat Content** - The final plat shall show or be accompanied by the following information:

a. **Information required on the plat**

(1) Name of Subdivision; A legal description indicating the range, township, and section within which the subdivision is located; Primary control points, approved by the County Surveyor, with descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data shall be referred.

(2) Location and description of all monuments.

(3) Tract boundary lines, right-of-way of streets, easements, and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs, chord bearing and chord length and central angles of all curves.

(4) Name and width of each street or other right-of-way and centerline of street rights-of-way with dimensions between intersecting centerline or tract boundary lines; location, dimensions and purposes of any easements; An
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.

(5) Locations, dimensions, and purposes for which public sites, if any, are to be dedicated or reserved.

(6) The 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; A delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency.

(7) Name of record owners of adjoining unplatted land; The names of the owner or owners of the subdivision; and the subdivider if other than the owner.

(8) Copies of all covenants, deeds, real estate contract forms, and homeowners association bylaws for development and maintenance of subdivision.

(9) Copy of Covenant from seller to buyer, running with the land, that subdivided lots shall not be resubdivided without approval by the Grant County Commission pursuant to these Regulations.

(10) Statement that the final plat will meet all the requirements of final disclosure as required by the New Mexico Subdivision Act and these Regulations.

(11) Reference to recorded subdivision plats of adjoining platted land by record name and date.

(12) Certification of a New Mexico licensed land surveyor, certifying the accuracy of survey and plat, and that the survey has been prepared by him.

(13) Certification of title by the owner of the land, and that the subdivision, as it appears on the plat, is with the free consent, and in accordance with the desires of the owner; which certification shall be signed by the owner. The certification of title must include proof of legal access from each lot ultimately to a public road.

(14) Signed statement by the subdivider/owner dedicating streets and other rights-of-way, granting easements for public use and dedicating any sites for public use.
(15) Title, scale, true and magnetic north arrows, and date.

(16) Certification for approval by the Subdivision Review Committee.

(17) Certificate of acceptance by the Board of County Commissioners, of the dedications of streets and other rights-of-way, and dedication of any sites for public use.

(18) A statement that the subdivider has agreed to build the roads within the subdivision in full conformance with the requirements of these Regulations. It shall also state who will have the responsibility for maintaining them.

(19) A space for certification of acceptance for maintenance of roads and other improvements by the County, to be completed if and when this acceptance occurs, and date of such acceptance.

(20) A space for certification by all utilities serving the subdivision that they will provide such service.

(21) A statement that there shall be no resubdivision of any subdivided lots without approval of the County.

b. Required dimensions shall be shown to the nearest one hundredth of a foot and angles to the nearest second.

c. All signatures shall be written with black line ink.

d. Dedications of public rights-of-way, easements, and public sites shown on a subdivision plat shall be a part thereof and shall not be dedications separate therefrom.

e. All plans, preliminary plats and changes in these plans become part of the final plat and its approval.

f. A certificate by the County reviewing staff and/or County Manager certifying that the subdivider has complied with the following:

(1) The execution of a Subdivision Improvement Agreement in a form acceptable to the County, wherein the subdivider agrees to construct the improvements within an agreed period of time, and has posted security, in the amount of 125% of the estimated cost of completion, as formulated by a licensed engineer or contractor.
g. Other data: Such other certificates, affidavits, or endorsements, as may be required by the Subdivision Review Committee and/or County Commission, in the enforcement of these Regulations or as may be specified elsewhere herein.

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 facsimile copy of the final plat shall be provided by the subdivider, upon request, to every purchaser, lessee, or other person acquiring an interest in the subdivided land before sale, lease, or other conveyance. The subdivider's Disclosure Statement will make provision for the furnishing of a facsimile copy of the final plat upon request.

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 in Appendix J, Form 1 (for subdivisions with 5 or fewer lots) or Form 2 (for subdivisions with 6 or more lots) of these Regulations. It is unlawful to sell, lease, or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners, and the Attorney General's Office; and the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

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 after the date of approval by the Board of County Commissioners.

5.3.10. **Water permit.** Until July 1, 1997, the Board of County Commissioners shall require, prior to Final Plat Approval, that the subdivider provide a copy of a water permit obtained from the State Engineer for the subdivision water use;

(1) for all subdivisions containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, issued pursuant to Sections 72-5-1, 72-5-23, or 72-5-24 NMSA 1978; or,

(2) if the subdivision is located within a declared underground water basin, issued pursuant to those sections or to Sections 72-12-3, or 72-12-7 NMSA 1978 Comp.

**Section 5.4. Advertising Standards**

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

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

a. not misrepresent or contain false or misleading statements of fact;

b. not describe deeds, title insurance, or other items included in a transaction as "free" and shall not state that any parcel is "free" or given as an "award" or "prize" if any consideration is required for any reason;

Grant County Subdivision Regulations - effective April 15, 1997
c. not describe parcels available for "closing costs only" or similar terms unless all such costs are accurately and completely itemized; or when additional parcels must be purchased at a higher price;

d. not include an asterisk or other reference symbol as a means of contradicting or substantially changing any statement;

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

f. not contain artists' conceptions of the subdivision or any facilities within it unless clearly labeled as such, and shall not contain maps unless accurately drawn to scale with the scale indicated;

g. not contain references to any facilities, points of interest or municipalities located outside the subdivision unless the distances from the subdivision are stated in the advertisement in actual road miles; and,

h. refer to the location where the subdivider's disclosure statement may be obtained.

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

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

5.5.1. Final plat approval. The final plat shall be approved by the Board of County Commissioners and shall be filed with the clerk of the county in which the subdivision is located. If a subdivision lies within more than one county, the final plat shall be approved by the Board of County Commissioners of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located.

5.5.2. Relevant documents. The subdivider shall furnish the Board of County Commissioners a sample copy of sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land.

5.5.3. Required improvements. All required improvements shall be constructed to the specifications in these Regulations.

a. Monuments: All subdivision boundary corners and the intersections of street centerline shall be marked with permanent monuments at that point, or with offset marking. A permanent monument shall be deemed to be either a standard
concrete monument with brass cap or an iron pipe or pin at least 18 inches long and 1/2 inch in diameter with a cap identifying the land surveyor who set the monument.

b. Streets: See Appendix E.

c. Water Supply Systems: See Appendix A and B.

d. Liquid Waste Treatment Systems: See Appendix C.

e. Solid Waste Disposal: See Appendix D.

f. Drainage Structures: See Appendix G.

Section 5.6. Recording Parcels

5.6.1. **Authority.** §47-6-9(A)(17) NMSA 1978 requires counties to enact regulations for recording all conveyances of parcels with the County Clerk. As defined in the Act, the term "parcel" means "land capable of being described by location and boundaries and not dedicated for public or common use."

5.6.2. **Purpose.** Recording conveyances of parcels provides anyone interested in acquiring land, and lenders, with important information about the condition of title. Recording conveyances of all parcels also provides public officials with information needed to detect illegal subdividing. The purpose of this information is to protect buyers and lenders and to help enforce the Act and these Regulations by making all conveyances of parcels matters of public record.

5.6.3. **Requirement.** Any person who sells, leases for an initial term plus option terms in excess of five (5) years, or otherwise conveys any interest in any parcel located in whole or in part in the County shall record the deed, lease, real estate contract, or memorandum of a real estate contract or other document of conveyance with the County Clerk no later than five (5) working days after the closing or thirty (30) days after the date on which the document is signed, whichever comes first. A memorandum of lease may be recorded in lieu of recording the lease itself, as provided in §14-9-1 NMSA 1978.

5.6.4. **Form and certification.** Any deed, lease for an initial term plus option terms in excess of five (5) years, real estate contract, or other document used to convey any interest in any parcel located in whole or in part in the County shall be in a form acceptable for recording and duly acknowledged and certified as required by the provisions of §14-8-4 NMSA 1978.
5.6.5. **Plat attachment.** The deed, lease, real estate contract, or other document of conveyance shall have a survey plat and a legal description of the parcel attached to it. The survey plat shall show the surveyor's seal, the boundaries of the parcel, the means of access to the parcel, and any easements to which the parcel is subject.

**Section 5.7. Water Permits**

5.7.1. **Before July 1, 1997.** Until July 1, 1997, the Board of County Commissioners shall not approve a final plat for a subdivision containing twenty (20) or more parcels any one of which is two (2) acres or less, unless there is a State Engineer permit for subdivision water use issued according to:

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

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

6.1.3. Application/fees. A subdivider shall prepare a summary review plat and supporting documentation in accordance with the requirements provided in these Regulations. The subdivider may make application for summary review plat approval by submitting the summary review plat and all supporting documentation along with a completed Application for Summary Review Plat Approval form (found in Appendix J, Form 9 of these Regulations), together with the required fees, to the office of the Grant County Manager. The summary review plat shall be considered as a final plat suitable for filing with the County Clerk.

6.1.4. Plat deemed complete. On receipt of the application, fees, summary review plat, and supporting documentation, the County reviewing staff shall review all materials in order to determine if the summary review 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 ten (10) working days after the date of application. If the summary review plat is incomplete or does not comply with the submittal requirements, the subdivider shall be notified and given a maximum time period of thirty (30) days to correct the deficiencies and return the summary review plat for consideration. The County reviewing staff and County Engineer shall review the summary review plat and all supporting documentation. The subdivider shall be responsible for all actual costs incurred in the County Engineer's review.

6.1.5. Public meeting. Summary review plats submitted to the County for approval shall be approved or disapproved by the County reviewing staff at a public
meeting within thirty (30) days of the date the summary review plat is deemed complete. The Board of County Commissioners has delegated to the County reviewing staff under the County Manager the authority to approve any subdivision under summary review. The County reviewing staff shall hold this public meeting in conjunction with a meeting of the Subdivision Review Committee and shall obtain its recommendations.

6.1.6. Improvement agreement. The County 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 construct the improvements at the subdivider’s expense.

6.1.7. Failure to act. If the County reviewing staff 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 not less than eighteen (18) inches wide and (24) twenty-four inches long, with one-half (1/2) inch borders. The statute does not contain a time requirement. Each county can change the time requirement at its own discretion. The subdivider shall also submit ten paper copies of the summary review plat map and accompanying information. For any computer-generated maps, the subdivider shall use the DXF computer format.

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

a. title, scale, north arrow, and date;

b. name and mailing address of subdivider and designated agent, if any;

c. names of owners of land to be subdivided and of contiguous property;

d. subdivision boundary lines, easement and right-of-way lines, and property lines of all lots, with accurate dimensions, and ties to monuments;
e. acreage measurements and identification numbers for each lot;

f. location, dimensions, and purpose of all easements;

g. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;

h. the certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey; 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. All public roads must be dedicated and accepted by the Board of County Commissioners. 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 J, Form 1 (for subdivisions with 5 or fewer lots) or Form 2 (for subdivisions with 6 or more lots) of these Regulations. It is unlawful to sell, lease or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners, and the Attorney General's Office; and the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.
6.2.6. **Land Sales Act.** Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act may submit the approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not covered in the subdivider's statement of record shall be attached to the statement of record.

6.2.7. **Advertising standards.** The advertising standards covering the sale, lease, or other conveyance of subdivided land provided in Article Five/Section 4 of these Regulations shall be applicable to summary review plats.
ARTICLE 7. SPECIAL PROCEDURES

Section 7.1. Succeeding Subdivisions

Any proposed subdivision may be combined with a previous subdivision and upgraded for classification purposes by the Board of County Commissioners if the proposed subdivision includes:

1. A part of a previous subdivision that has been created in the preceding seven (7) year period; or

2. Any land retained by a subdivider after creating a previous subdivision if the previous subdivision was created in the preceding seven (7) year period.

Section 7.2. Resubdivision

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

Section 7.3. Vacation of Plats

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

a. the owners of the land proposed to be vacated sign an acknowledged statement, declaring the final plat or a portion of the final plat to be vacated, and the statement is approved by the Board of County Commissioners; or

b. the Board of County Commissioners finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.

7.3.2. Statement of vacation. The vacation of all or a portion of a final plat shall be initiated by submittal of the statement of vacation to the County Clerk, along with the names of all owners of record of property within the subdivided land to be vacated and the names of all owners of record of property contiguous to the subdivided land to be vacated.
7.3.3. **Scheduling and notification.** Within thirty (30) days after the date of receipt of the statement of vacation, the Board of County Commissioners shall approve or deny the vacation, subject to the following:

a. Action shall be taken at a public meeting.

b. At least fifteen (15) days before the proposed meeting, all owners of record of property including holders of easements within the subdivided land to be vacated and all owners of record of property contiguous to the subdivided land to be vacated shall have been notified by mail of the proposed vacation and the date, time and place of the public meeting at which the vacation will be considered by the Board of County Commissioners.

c. Relevant utilities and other agencies have been notified.

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

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

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

**Section 7.4. Variances**

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

7.4.2. **Conditions and limitations.** A variance shall not be granted which will cause the County to absorb costs over and above those typically associated with subdivision.
approval. In granting variances, the County Commission will require a detailed written statement by the subdivider showing (1) that strict compliance with these Regulations will result in extraordinary hardship to the subdivider because of unusual topography, technology or other non-self-inflicted conditions or would result in an arbitrary and unreasonable taking of the subdivider's property, and (2) that the variance, if granted, 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.

Failure to address these provisions may result in determination by County staff that the application for a variance is incomplete.

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

a. It is the subdivider's responsibility to provide sufficient information in support of, and in justification for, his variance request as determined by the County staff in order for a hearing on the variance to be scheduled. The subdivider shall submit the completed Application for Variance Form (found in Appendix J, Form 10 of these Regulations) together with payment of the required administrative fee of $100.00 per variance.

b. Variance requests shall be reviewed by the County in the same manner as the preliminary plat review procedure and shall be heard in a public hearing before the County Commission at some mutually acceptable time as agreed to by the County reviewing staff and the subdivider.

c. Notice of the request for variance shall be given in the same manner as notice is provided for any public hearing required in these Regulations and shall comply with the requirements of the Open Meetings Act of the State of New Mexico.

d. Variance requests shall be submitted to the state or other reviewing agency having expertise with respect to the subject matter for which the variance is sought, and shall be governed by the same time limits.

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

f. The decision and order shall be prepared, signed and filed within five (5) working days after the public hearing at which the variance is considered.
g. All approved variance requests shall be included within the preliminary plat submittal.

Section 7.5. Amendment

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

Section 7.6. Exemptions

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

7.6.2. Verification of Exemption.

a. Any person claiming entitlement to an exemption under the provisions of these Regulations shall file a written claim of exemption on the form prescribed in Appendix J, Form 6 of these Regulations with the Office of the Grant County Manager before making the land division for which the claim of exemption is made.

b. The County reviewing staff shall review the claim of exemption and supporting documents and shall mail written notice of whether the exemption has been approved or denied to the person claiming the exemption within thirty (30) days after receipt of the completed claim of exemption; provided, however, that the thirty (30) day period shall not begin to run until the person claiming the exemption has delivered a completed Claim of Exemption and all supporting documents to the Office of the Grant County Manager.

c. If the claim of exemption is approved, or if the County reviewing staff fails to mail written notice to the claimant within thirty (30) days after receipt of the completed claim of exemption and all supporting documents, the person claiming the exemption may divide the land in the manner proposed in the claim of exemption without complying with the provisions of these Regulations.
d. If the claim of exemption is denied, the person claiming the exemption may appeal the denial as provided in Article 10 of these Regulations or may submit an application for a subdivision as provided in these Regulations.

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

7.7.1. Unmarked Human Burials

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

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

7.7.2. Registered Cultural Properties. Any person desiring to subdivide land in the County shall demonstrate that they have reviewed the latest edition of the New Mexico Register of Cultural Properties ("the Register") that has been provided to the County by the State Historic Preservation Office, and

a. if there are no such properties entered in the Register that are within the boundaries of the proposed subdivision, the subdivider shall provide a signed affidavit to that effect in the application package for subdivision approval; or,

b. if any such properties entered in the Register exist within the boundaries of the proposed subdivision, the subdivision shall comply with the requirements of the Cultural Properties Act §§ 18-6-1 through 18-6-17 NMSA 1978 and all applicable laws regarding cultural properties and archaeological sites. All subdividers shall consult the Cultural Properties Act for information about archaeological surveys and State Cultural Protection requirements.
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 final plat is authorization for the subdivider to proceed with the minimum improvements required by these Regulations. Before the construction of any improvements or the submission of any bond or other improvement guarantee, the subdivider shall furnish the County with all plans necessary for the construction of such improvements. These plans shall be reviewed by the County reviewing staff 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.

f. **Safety.** All proposed roads shall conform to minimum County safety standards.
Section 8.3. Improvement Guarantees

8.3.1. Financial Assurance. Prior to final plat approval, the subdivider shall post a suitable improvements guarantee in an amount approved by the County. The guarantee shall be not less that 125 percent (125%) 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. Examples of an improvement bond and an irrevocable letter of credit are found in Appendix J, Forms 4 and 5 of these Regulations.
ARTICLE 9. ADMINISTRATIVE FEES

Any person desiring to subdivide land in the County shall pay the administrative fees set by the County for:

- Preliminary plat $15.00 per lot
- Final plat $25.00 per lot
- Summary review plat $25.00 per lot
- Variance $100.00 per variance
- Appeal $25.00
- Claim of exemption $25.00
- Statement of vacation $25.00
- Replat $25.00 per lot

Professional Review Fees (including technical review by the Grant County Engineer) Actual costs
ARTICLE 10. APPEALS

Section 10.1. Who May Appeal

10.1.1. Office of the County Manager. Any person who is adversely affected by a decision of the County Manager in approving or disapproving a subdivision plat on summary review may appeal to the Board of County Commissioners within fifteen (15) days after the date of the action of the County Manager. The Board of County Commissioners shall hear the appeal and render a decision within thirty (30) days after receiving the notice of appeal.

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. The appeal shall consist of a whole record review, and the reviewing authority, whether it be the Board of County Commissioners or the District Court, shall only set aside the action of the lower tribunal if it is found to be:

a. arbitrary, capricious or an abuse of discretion; or
b. not supported by substantial evidence; or
c. otherwise not in accordance with law.

10.2.2. Any party to the action in District Court shall have full appellate rights in accordance with the laws of the State of New Mexico and the rules of appellate procedure for the State of New Mexico.

10.2.3. The appeal shall be perfected by filing a written notice of appeal which sets forth the specific portion or portions of the decision being appealed. The subdivider shall submit the completed notice of appeal form (found in Appendix J, Form 11 of these Regulations), together with the required fee, to the office of the Grant County Manager. A copy of the decision or order being appealed shall be attached to the notice of appeal.
ARTICLE 11. ENFORCEMENT, PENALTIES, AND REMEDIES

Section 11.1. Purpose and Authority

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

Section 11.2. Investigation of Alleged Violations

All written, signed complaints alleging one or more violations of the provisions of the New Mexico Subdivision Act or these Regulations shall be referred to the County Code Enforcement Officer for investigation. The County Code Enforcement Officer shall investigate the complaint and take such action as is warranted, or make a written recommendation to the Board of County Commissioners of what action is warranted. The County Code Enforcement Officer 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.

Grant County Subdivision Regulations - effective April 15, 1997
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:

- (1) any person who knowingly, intentionally, or willfully commits a material violation of the New Mexico Subdivision Act is guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars ($10,000) per violation, or by imprisonment for not more than one year, or both; and

- (2) any person who is convicted of a second or subsequent knowing, intentional, or willful violation of the New Mexico Subdivision Act is guilty of a fourth degree felony, punishable by a fine of not more than twenty-five thousand dollars ($25,000) per violation or by imprisonment for not more than eighteen (18) months, or both.

b. In addition to the above-mentioned penalties, the County may seek separate remedies for each violation of the provisions of these Regulations of a fine not to exceed three hundred dollars ($300) or imprisonment for not more than ninety (90) days, or both, in accordance with §4-37-3 NMSA 1978.
ARTICLE 12. SEVERABILITY

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

ARTICLE 13. REPEAL AND EFFECTIVE DATE

These Regulations repeal the Grant County Amended Regulations Governing the Subdivision of Land, passed on December 31, 1994, and all previous subdivision regulations of Grant County. These Regulations shall become effective on the 15th day of April, 1997, not less than thirty days after their passage on this 13th day of March, 1997 and their recording in the records of the Grant County Clerk.

BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY

[Signatures]
Manuel T. Serna, Chairman

Zeke Santa Maria, Member

[Signatures]
Carl W. Scholl, Member.

ATTEST:
[Signature]
Gabriel Ramos, County Clerk

Grant County Subdivision Regulations - effective April 15, 1997
WATER AVAILABILITY

POLICY:
Grant County recognizes that the economic and general welfare of people in the County is dependent upon maintenance of adequate supplies of good quality water. The County recognizes that the issues of water availability and water quality are closely linked. As stated in the Grant County Comprehensive Plan, adopted by County Ordinance No. 94-06-16, the County is committed to efficient use and development of water resources to ensure both sustainability of supply and maintenance of water quality. The County supports the ongoing efforts of the state and federal agencies to prevent contamination of surface and groundwater and to investigate and conduct the appropriate control and remediation of sources of water contamination in the County.

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

1. Grant County encourages the installation of water-saving fixtures in all new residential and non-residential buildings. Water-saving fixtures include low-flush toilets, low flow showerheads, low-flow faucets, and installation of hot water pumps.

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

3. Grant County encourages the metering of all non-residential service connections, regardless of source of supply, and all residential building served by a community water system. Grant County also encourages the metering of water produced from each well in a community water system or at each surface water source.

4. The installation of pressure reducing valves on service connections is encouraged where water pressure at the customer service connection exceeds 80 pounds per square inch (psi).

5. 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.
B. Quantification of Annual Water Requirements. The following procedures shall be used to quantify the maximum, annual water requirements for all subdivisions:

1. The maximum annual water requirement for both indoor and outdoor purposes, for each parcel in a residential subdivision shall be 0.60 acre-feet per year, unless a detailed water demand analysis approved by the State Engineer's Office justifies the use of a different figure. The total annual water requirement for the subdivision in acre-feet per year, is computed by multiplying the number of parcels by 0.60.

2. The subdivider may, at his option, prepare a detailed water demand analysis using the step by step computational procedure presented in the relevant State Engineer Technical Report.

3. A detailed water demand analysis shall be prepared for all non-residential subdivisions and all water uses not directly related to residential uses within a mixed development subdivision. Annual water requirements shall be estimated using the relevant State Engineer Technical Report.

C. Final Plat Approval Requirements. Until July 1, 1997, before approving the final plat for a subdivision containing twenty or more parcels, any one of which is two acres or less in size, the Board of County Commissioners shall require that the subdivider provide a copy of a permit obtained from the State Engineer, issued pursuant to Sections 72-5-1, 72-5-23 and 72-5-24, for the subdivision water use; or, pursuant to Section 72-12-3 or Section 72-12-7 NMSA, 1978, if the subdivision is located within a declared underground water basin. In acting on the permit application, the State Engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses.

D. Community Water System Requirements

1. A community water system shall be required for all subdivisions which create more than fifty (50) lots, any one of which is less than one and one-half (1 ½) acre in size. For all subdivisions in which all lots created are greater than one and one-half (1 ½) acre in size, community water systems shall not be required, except under the conditions set forth in Section D(2), below.
2. A community water system shall be required for all other subdivisions containing six or more parcels, where groundwater would be supplied from geologic formations where wells have been determined to produce at a rate of two (2) gallons per minute or less, or where available information suggests the likelihood of low-yielding wells. In lieu of a community water system, the developer shall provide alternative means of supplying potable water to each lot in sufficient quantities to meet the maximum annual water requirements of each lot, and shall fully disclose the means and methods for providing such water supply. Acceptable alternative methods of supplying potable water shall include individual wells drilled by the developer or other means of water delivery, combined with storage systems provided by the developer for each lot. Such storage systems shall be capable of storing an amount of water equal to twice the average daily water consumption for the household, as computed in accordance with Section B(1), above, and must be capable of delivering water at a minimum rate of two (2) gallons per minute.

3. If water will be supplied from a community water system, the subdivider shall submit a plat of the proposed subdivision, and preliminary plans for the water production, storage, and distribution facilities prepared by or under the supervision of a registered professional engineer. The site plans shall show the topography, parcel boundaries, streets, wells and water storage and distribution system, including hydrants. The size or capacity of the water system components should also be indicated on the site plans. Preliminary well plans shall include casing diameter, total depth, screened interval, and proposed pump setting. All distribution mains shall be a minimum of six (6) inches in diameter.

4. Residential service connections to community water systems shall be required where such systems have been designed and constructed for use within the subdivision.

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

E. Water Availability Assessment Requirements for Community Water Systems

1. If the source of water supply will be an existing community water system or municipal water system, the subdivider shall submit a water availability assessment containing the following information:

   a. Name of the utility proposed as the source of supply.

APPENDIX A - WATER AVAILABILITY
b. Documentation from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision. For subdivisions with more than six (6) lots, such documentation may include information meeting the requirements of subsection 3 of these Requirements, below, as well as additional information demonstrating system capabilities and existing and proposed infrastructure improvements that may be required to furnish water to the subdivision in sufficient quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor uses.

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

a. At least one well log from an on-site well or from an existing nearby well completed in geologic conditions representative of the conditions within the proposed subdivision.

b. A description of the water bearing formation including a statement of the maximum and minimum depths to water in the subdivision and the basis for these statements.

c. A statement of the estimated yield of wells in gallons per minute based upon well logs from existing nearby wells.

d. Any additional information which is required by the State Engineer’s Office that will enable it to determine whether or not the subdivider can furnish water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor uses, and whether the subdivider can fulfill the proposals in his Disclosure Statement concerning water, excepting water quality. For subdivisions containing more than six (6) lots, in locations which the State Engineer has determined that geohydrologic conditions are such that the aquifer has not been demonstrated to be capable of furnishing water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision, such additional information may include a geohydrologic report conforming to the requirements of subsection 3 of these Requirements, below.
3. For new community water systems, the subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements:

a. The subdivider shall submit a water-supply plan, prepared and sealed by a registered professional engineer, with the plat of the proposed subdivision, and shall include the following information:

(1) Preliminary plans and specifications for diversion, storage; and distribution facilities, and a schedule for their completion. Plans should be prepared on 24" x 36" sheets, and include a plan and profile of existing ground and pipeline, and details of appurtenance.

(2) Information showing the estimated volume and peak rate of production of water required to supply each use at full development of the subdivision, together with hydraulic computations.

(3) A geohydrologic report, if part or all of the supply is to be obtained from ground-water sources, containing the following information:

   i) Detailed geologic maps and cross-sections derived from geologist's or driller's logs, and description of the aquifer system proposed for production, including information concerning the hydrogeologic boundaries, intake areas, and locations of discharge of those aquifers;

   ii) Maps and cross-sections showing the depth to water, detailed water-level contours which reflect water table conditions at the time of the study, direction of ground-water movement, and the estimated thickness of saturation in the aquifers;

   iii) Probable yields of the proposed wells (in gallons per minute and acre-feet per year) and probable length of time that the aquifer system will produce water at rates sufficient to meet the demands under full development of the subdivision. This information shall be based upon pumping-test analyses performed in accordance with those standards set forth in
Section III. The analysis shall consider hydrogeologic boundaries, aquifer leakage, and historic water-level changes, giving consideration to mutual interference of the proposed wells and the interference of existing wells; and

iv) A 40-year schedule of the effects of the projected water withdrawals for the subdivision on ground water level and/or surface water discharges within the subdivision and within one mile of the subdivision boundary.

(4) A hydrologic report, if part or all of the supply is to be obtained from surface-water sources, containing the following information:

i) Source of water supply;

ii) Drainage area above the point of diversion;

iii) Analysis of relevant historical runoff records; and,

iv) Projected water supply available for the subdivision requirements.

(5) Fire flow at 20 lbs. per square inch the water system can deliver throughout the subdivision in gallons per minute and the time duration such flow can be maintained.

(6) If the subdivider proposes that a municipality, public or private utility company, or any other private party provide water, the subdivider shall provide documentation that the municipality, company, or party is willing and able to provide water to the subdivision. The documentation shall contain a statement from the municipality, company, or party indicating the quantity and quality of water available to the subdivider and any conditions or limitations pertaining to the use of the water.

(7) The subdivider shall provide evidence that he/she owns, or has a option on, adequate vested, permitted,
adjudicated, or contracted water rights to meet the water supply demands of the subdivision at full development.

F. Standards for Pumping Tests on Community Systems

1. On-site pumping test shall be required for all new community water systems, and shall be performed not longer than one year before submittal. Tests performed with bailers shall not be accepted. Pumping tests shall be performed based upon sound and accepted hydrologic, geologic, or engineering practices. Where conditions permit, pumping tests shall be performed using one or more water-level observation wells. Pumping tests shall be performed at, or in excess of, the anticipated peak production demand for the subdivision at full development. The subdivider shall inform the County, in writing, not less than one week prior to the anticipated start of each pumping test (or tests) in order for the County to independently verify discharge and drawdown measurements. If the subdivider fails to inform the County of a pumping test, the data from such test(s) shall be considered inadequate for submittal. All pumping tests shall be performed by a licensed professional engineer, a geohydrologist, a geologist or other professional deemed acceptable to the County reviewing staff.

2. All community water systems shall be required to submit results of 48-hour pumping and recovery tests on each well or wells which will provide water to the subdivision. Recovery measurements shall be collected for a period of seven days or when complete recovery is observed.

3. For all subdivisions where individual lot owners will acquire water rights permitted under 72-12-1 NMSA 1978, subdividers shall submit results of pumping tests performed on wells within or near the subdivision, or other supporting data.

The County may require additional aquifer testing in areas where geologic conditions are complex.

G. State Engineer’s Regulatory Restrictions. All subdividers in the Gila-San Francisco Basin, Mimbres Basin, and the Lordsburg Basin shall be governed by the State Engineer’s Regulations appropriate to those Basins, and which are available in the County Manager’s Office. Regulatory restrictions shall be disclosed in the Disclosure Statement.

APPENDIX A - WATER AVAILABILITY
H. Fire Protection

1. Requirement for Provision of Fire Protection

a. The subdivider shall provide water for fire fighting and facilities for storage, distribution for all subdivisions with new community water systems and for all subdivisions utilizing an existing community water system in which infrastructure improvements, proposed to be designed and constructed for use by the subdivision, include new storage and distribution facilities for fire-fighting. This provision is not to be construed to require reconstruction or upgrade of existing community water systems to provide water storage and distribution for fire fighting even though new infrastructure may be owned and managed by the same service organization or company.

2. The County Commission may, at its discretion, apply the following in evaluating a fire protection plan:

Fire Requirements:

<table>
<thead>
<tr>
<th>Front Lot Line</th>
<th>Maximum Spacing</th>
<th>GPM/Minutes Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>150-200 ft.</td>
<td>1000 ft.</td>
<td>250/30</td>
</tr>
<tr>
<td>100-150 ft.</td>
<td>750 ft.</td>
<td>250/30</td>
</tr>
<tr>
<td>80-100 ft.</td>
<td>500 ft.</td>
<td>250/30</td>
</tr>
<tr>
<td>Less than 80</td>
<td>500 ft.</td>
<td>500/30</td>
</tr>
</tbody>
</table>

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

4. Storage shall be calculated based upon the fire flow requirements plus maximum day domestic consumption.

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

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

APPENDIX A - WATER AVAILABILITY
I. Fire Protection Plan

1. A fire protection plan shall be a condition of preliminary plat approval for all non-residential subdivision, subdivisions containing over 100 lots, subdivisions with new community water systems, and subdivisions utilizing existing community water systems in which infrastructure improvements designed and constructed for use within the subdivision include new water storage and distribution facilities.

2. For all subdivisions with new community water systems or existing community water systems in which infrastructure improvements designed and constructed for use within the subdivision include new water storage and distribution facilities, the subdivider shall submit a plat of the proposed subdivision, preliminary plans of the proposed water supply, storage and distribution system, and calculations demonstrating that the proposed fire protection facilities will meet the requirements of these guidelines, prepared by or under the supervision of a registered professional engineer.

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

4. If fire fighting services are available from one of the local County volunteer or municipal fire departments, the subdivider shall disclose the local fire authority having jurisdiction, the rate in gallons per minute that water may be delivered to the fire by tanker service from the fire authority, if available, and the distance and anticipated time of travel from the fire station to the center of the subdivision.
APPENDIX B

WATER QUALITY

POLICY:
Grant County recognizes that the economic and general welfare of people in the County is dependent upon maintenance of adequate supplies of good quality water. The County recognizes that the issues of water availability and water quality are closely linked. As stated in the Grant County Comprehensive Plan, adopted by County Ordinance No. 94-06-16, the County is committed to efficient use and development of water resources to ensure both sustainability of supply and maintenance of water quality. The County supports the ongoing efforts of the state and federal agencies to prevent contamination of surface and groundwater and to investigate and conduct the appropriate control and remediation of sources of water contamination in the County.

A. Water Quality Documentation. For a subdivider to document conformance with the water quality requirement of these guidelines and the New Mexico Subdivision Act, a water quality documentation package shall accompany the preliminary plat submittal.

1. The water quality documentation package shall:
   a. state the subdivider’s name and mailing address;
   b. state the date the package was completed;
   c. state the subdivider’s proposal for meeting the water quality requirements of these guidelines;
   d. be accompanied by a copy of the subdivider’s Disclosure Statement on water quality;
   e. be accompanied by the information listed in Subsections 2, 3 or 4 of this section as applicable to the water supply proposal;
   f. be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these guidelines.

2. The subdivider is advised that the New Mexico Environment Department may, in a letter to the Grant County Commission, recommend further analysis in addition to that required by the County in Section A of this Appendix, should there be evidence to suggest or reason to suspect that water contaminants may exist within the public or private water supply system(s) proposed by the subdivider. In this case, the Grant County Commission may require such further analysis as set forth in Section B to this Appendix.
3. If a new public water supply system (15 or more connections) is proposed, the following information shall be submitted as part of the water quality documentation package:

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

b. for areas where contamination of the proposed source water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Section B of these guidelines as may be required;

c. the location and description of the source of water sampled for the water quality analysis;

d. an engineer’s report and preliminary plans for the proposed public water supply system; and,

e. maps identifying and showing the location of all identifiable potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one thousand (1000) feet of the proposed water supply source.

4. 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:

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

b. a statement of availability of water service signed by an official of the existing public water supply system; and,

c. an engineer’s report and preliminary plans for the proposed extensions to the existing water system.

5. If private water supply systems (cluster wells serving less than 15 connections) are proposed, the following information shall be submitted as part of the water quality documentation package:

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

b. the location and description of the source of water sampled for the water quality analysis;

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

d. maps identifying and showing the location of all identifiable 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.

6. 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.

B. **Water Quality Requirements.** Conformance with the water quality requirements of this section may be required for preliminary plat approval for all types of subdivisions at the recommendation of the State of New Mexico Environment Department, as per Section A. 2., above.

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

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

a. If the level for any of the contaminants listed in Table 2, below, 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.

**APPENDIX B - WATER QUALITY**
3. A water supply source shall not be located at less than the setback distances shown in Table 3, below.

4. The subdivision Disclosure Statement shall contain a statement describing the quality of water available for domestic use within the subdivision, and describing water quality in laymen's terms relating to taste, discoloration of clothes, irritation to skin, odor, and degree of hardness of water.
<table>
<thead>
<tr>
<th>Inorganic (IOC)</th>
<th>MCL</th>
<th>Microbiology</th>
<th>Contaminant</th>
<th>MCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
<td>0.006 mg/l</td>
<td>Giardia lamblia&lt;sup&gt;(a)&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arsenic</td>
<td>0.05 mg/l</td>
<td>Legionella&lt;sup&gt;(a)&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asbestos</td>
<td>7 MFL&lt;sup&gt;(a)&lt;/sup&gt;</td>
<td>Standard plate count&lt;sup&gt;(a)&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barium</td>
<td>2 mg/l</td>
<td>Total coliforms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beryllium</td>
<td>0.004 mg/l</td>
<td>Turbidity&lt;sup&gt;(a)&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.005 mg/l</td>
<td>Viruses&lt;sup&gt;(a)&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chromium (total)</td>
<td>0.1 mg/l</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Copper</td>
<td>1.3 mg/l</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.2 mg/l</td>
<td>Total trihalomethanes</td>
<td></td>
<td>0.10 mg/l</td>
</tr>
<tr>
<td>Fluoride</td>
<td>4.0 mg/l</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lead</td>
<td>0.015 mg/l</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mercury (inorganic)</td>
<td>0.002 mg/l</td>
<td>Benzene</td>
<td></td>
<td>0.005 mg/l</td>
</tr>
<tr>
<td>Nickel</td>
<td>0.1 mg/l</td>
<td>Carbou tetrachloride</td>
<td></td>
<td>0.005 mg/l</td>
</tr>
<tr>
<td>(as N)</td>
<td>10 mg/l</td>
<td>Dibromochloropropane</td>
<td></td>
<td>0.0002 mg/l</td>
</tr>
<tr>
<td>Nitrite (as N)</td>
<td>1 mg/l</td>
<td>o-dichlorobenzene</td>
<td></td>
<td>0.6 mg/l</td>
</tr>
<tr>
<td>Nitrate + Nitrite (both as N)</td>
<td>10 mg/l</td>
<td>p-dichlorobenzene</td>
<td></td>
<td>0.075 mg/l</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.05 mg/l</td>
<td>1,2-dichloroethane</td>
<td></td>
<td>0.005 mg/l</td>
</tr>
<tr>
<td>Thallium</td>
<td>0.002 mg/l</td>
<td>1,1-dichloroethylene</td>
<td></td>
<td>0.007 mg/l</td>
</tr>
</tbody>
</table>

| Radionuclide | Contaminant             | MCL          | trans-1,2-dichloroethylene | 0.1 mg/l |
| Gross a particle activity<sup>(a)</sup> | 15 pCi/l | Dichloromethane |               | 0.005 mg/l |
| Radium-226 & -228<sup>(a)</sup> | 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 |

**APPENDIX B - WATER QUALITY**
<table>
<thead>
<tr>
<th>VOC (continued)</th>
<th>MCL</th>
<th>SOC (continued)</th>
<th>MCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monochlorobenzene</td>
<td>0.1 mg/l</td>
<td>Di(2-ethylhexyl) phthalate</td>
<td>0.006 mg/l</td>
</tr>
<tr>
<td>Styrene</td>
<td>0.1 mg/l</td>
<td>Dinoseb</td>
<td>0.007 mg/l</td>
</tr>
<tr>
<td>Tetrachloroethylene</td>
<td>0.005 mg/l</td>
<td>Diquat</td>
<td>0.02 mg/l</td>
</tr>
<tr>
<td>Toluene</td>
<td>1 mg/l</td>
<td>Endothall</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>1,2,4-trichlorobenzene</td>
<td>0.07 mg/l</td>
<td>Endrin</td>
<td>0.002 mg/l</td>
</tr>
<tr>
<td>1,1,1-trichloroethane</td>
<td>0.2 mg/l</td>
<td>Glyphosate</td>
<td>0.7 mg/l</td>
</tr>
<tr>
<td>1,1,2-trichloroethane</td>
<td>0.005 mg/l</td>
<td>Heptachlor</td>
<td>0.0004 mg/l</td>
</tr>
<tr>
<td>trichloroethylene</td>
<td>0.005 mg/l</td>
<td>Heptachlor epoxide</td>
<td>0.0002 mg/l</td>
</tr>
<tr>
<td>Vinyl chloride</td>
<td>0.002 mg/l</td>
<td>Hexachlorobenzene</td>
<td>0.001 mg/l</td>
</tr>
<tr>
<td>Xylenes (total)</td>
<td>10 mg/l</td>
<td>Hexachlorocyclopentadiene</td>
<td>0.05 mg/l</td>
</tr>
</tbody>
</table>

**Synthetic Organic (SOC)**

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCL</th>
<th>Methoxychlor</th>
<th>MCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachlor</td>
<td>0.002 mg/l</td>
<td>Oxamyl (Vydate)</td>
<td>0.2 mg/l</td>
</tr>
<tr>
<td>Atrazine</td>
<td>0.003 mg/l</td>
<td>Pentachlorophenol</td>
<td>0.001 mg/l</td>
</tr>
<tr>
<td>Benzo(a)pyrene</td>
<td>0.0002 mg/l</td>
<td>Picloram</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Carbofuran</td>
<td>0.04 mg/l</td>
<td>Polychlorinated biphenyls</td>
<td>0.0005 mg/l</td>
</tr>
<tr>
<td>Chlorodane</td>
<td>0.002 mg/l</td>
<td>Simazine</td>
<td>0.004 mg/l</td>
</tr>
<tr>
<td>2,4-D</td>
<td>0.07 mg/l</td>
<td>2,3,7,8-TCCD (Dioxin)</td>
<td>3x10⁻⁸ mg/l</td>
</tr>
<tr>
<td>Dalapon</td>
<td>0.2 mg/l</td>
<td>Toxaphene</td>
<td>0.003 mg/l</td>
</tr>
<tr>
<td>Di(2-ethylhexyl) adipate</td>
<td>0.4 mg/l</td>
<td>2,4,5-TP</td>
<td>0.05 mg/l</td>
</tr>
</tbody>
</table>

Notes to Table 1:
(a) Million Fibers longer than 10 [μm]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 2. — SECONDARY (ETHETIC RELATED) CONTAMINANTS

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>SMCL</th>
<th>Contaminant</th>
<th>SMCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alumnin</td>
<td>0.05 to 0.2 mg/l</td>
<td>Manganese</td>
<td>0.05 mg/l</td>
</tr>
<tr>
<td>Chloride</td>
<td>250 mg/l</td>
<td>Odor</td>
<td>3 TON</td>
</tr>
<tr>
<td>Color</td>
<td>1.5 CU</td>
<td>pH</td>
<td>6.5 to 8.5</td>
</tr>
<tr>
<td>Copper</td>
<td>1.0 mg/l</td>
<td>Silver</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Corrosivity</td>
<td>Non-corrosive</td>
<td>Sodium</td>
<td>100 mg/l*</td>
</tr>
<tr>
<td>Fluoride</td>
<td>2.0 mg/l</td>
<td>Sulfate</td>
<td>250 mg/l</td>
</tr>
<tr>
<td>Foaming Agents</td>
<td>0.5 mg/l</td>
<td>TDS</td>
<td>500 mg/l</td>
</tr>
<tr>
<td>Hardness</td>
<td>250 mg/l</td>
<td>Turbidity</td>
<td>5 NTU</td>
</tr>
<tr>
<td>Iron</td>
<td>0.3 mg/l</td>
<td>Zinc</td>
<td>5 mg/l</td>
</tr>
</tbody>
</table>

Notes to Table 2:
(a) Sodium concentration exceeding 20 mg/l must be noted in the disclosure statement.

### TABLE 3. — SETBACK DISTANCES FOR WATER SUPPLY SOURCES

<table>
<thead>
<tr>
<th>Potential Source of Contamination</th>
<th>Required Minimum Setback Distance (feet)</th>
<th>Public Water Supply System Source</th>
<th>Private Water Supply System Source</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Tight Sewers</td>
<td></td>
<td>50</td>
<td>25</td>
</tr>
<tr>
<td>Other Sewers</td>
<td></td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Community Liquid Waste Treatment System</td>
<td></td>
<td>300</td>
<td>150</td>
</tr>
<tr>
<td>Individual Liquid Waste Treatment System</td>
<td></td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Community Liquid Waste Disposal System</td>
<td></td>
<td>600</td>
<td>300</td>
</tr>
<tr>
<td>Individual Liquid Waste Disposal System</td>
<td></td>
<td>200</td>
<td>100</td>
</tr>
<tr>
<td>Flood Plain</td>
<td></td>
<td>Outside</td>
<td>Outside</td>
</tr>
</tbody>
</table>

APPENDIX B - WATER QUALITY
APPENDIX C

LIQUID WASTE

POLICY:
Grant County recognizes that individual wastewater disposal systems are a major source of groundwater contamination in Grant County including contamination of individual wells. As stated in the Grant County Comprehensive Plan, adopted by County Ordinance No. 94-06-16, the County supports the use of appropriate disposal systems based on housing density, depth to groundwater, depth to bedrock or impervious layers, and soil type. Also as stated in the Comprehensive Plan, the County recognizes that environmentally sensitive areas of shallow groundwater should be identified and designated and that sewage collection systems and treatment facilities should be required whenever a new public water system is installed.

A. 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.

1. The liquid waste disposal documentation package shall:
   a. state the subdivider’s name and mailing address;
   b. state the date the package was completed;
   c. state the subdivider’s proposal for meeting the liquid waste disposal requirements of these guidelines;
   d. be accompanied by a copy of the subdivider’s disclosure statement on liquid waste disposal;
   e. be accompanied by the information required in Subsections B, C, or D of this section as applicable to the subdivider’s liquid waste disposal proposal; and
   f. be accompanied by information required by the State Environment Department as may be necessary for determination whether there are sufficient liquid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations promulgated pursuant to the Environmental Improvement Act, the Water Quality Act,
and the Solid Waste Act; and whether the Subdivider can fulfill the proposals contained in his disclosure statement concerning water quality and concerning liquid waste disposal facilities.

2. If the subdivider proposes a new community liquid waste system, the following information shall be submitted as part of the liquid waste disposal documentation package:
   a. an engineer’s report and preliminary plans for the proposed community liquid waste system;
   b. maps showing the location of all water supply sources and the 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
   c. documentation of the filing of a "Notice of Intent to Discharge" with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.

3. 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:
   a. a statement of availability of liquid waste service signed by an official of the existing liquid waste system; and,
   b. an engineer’s report and preliminary plans for the proposed extension to the existing liquid waste system.

4. If the subdivider proposes utilizing individual liquid waste systems, the subdivider shall meet the requirements of the State of New Mexico Environment Department.

5. Documentation of approval for the discharge from any community liquid waste system from the New Mexico Environment Department will be required for final plat approval.
B. Liquid Waste Disposal Requirements. Conformance with the liquid waste disposal requirements of this section is required for preliminary plat approval.

1. Community liquid waste systems.
   a. Community liquid waste systems shall be required for all subdivisions: a) in which any lot created by the subdivision is less than 0.75 acre in size, unless detailed engineering studies and designs are provided that meet the requirements for approval of a variance from the Environment Department; or, b) which create more than 100 lots, any of which is less than 1.5 acres in size.

   b. 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. Individual liquid waste systems.
   a. 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.

   b. Individual liquid waste systems shall not be installed:

      (1) where an existing community liquid waste system is available for use within the subdivision;

      (2) at less than the setback distances shown in Table C-1, as applicable;

      (3) consisting of privies (outhouses) or cesspools;

   c. A liquid waste disposal system using holding tanks, although allowed by State regulations, are expensive to operate and are a health hazard if not properly maintained. Their use is discouraged by the County and by the State Environment Department.

3. The disclosure statement for the subdivision shall contain a description of the means of liquid waste disposal for the subdivision.
<table>
<thead>
<tr>
<th>Object</th>
<th>Required Minimum Setback Distance (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Treatment Unit</td>
</tr>
<tr>
<td>Lot Line</td>
<td>5</td>
</tr>
<tr>
<td>Individual Water Supply System Source</td>
<td>50</td>
</tr>
<tr>
<td>Public Water Supply System Source</td>
<td>100</td>
</tr>
<tr>
<td>Edge of Watercourses Except Canals and Arroyos</td>
<td>50</td>
</tr>
<tr>
<td>Edge of Unlined Canals and Arroyos</td>
<td>15 + depth of channel</td>
</tr>
<tr>
<td>Edge of Lined Canals</td>
<td>10 + depth of channel</td>
</tr>
<tr>
<td>Public Lakes</td>
<td>50(a)</td>
</tr>
</tbody>
</table>

Notes to Table C-1:

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

(b) All components of individual liquid waste systems must be constructed so as not to be affected by flood plains.
SECTION 1 - SOLID WASTE MANAGEMENT PLANS

NOTE: Solid Waste Plans must be coordinated with Grant County solid waste management facilities or existing ED-licensed facilities.

A. Any person seeking approval of a subdivision plat must submit a solid waste management plan. The Commission may approve a solid waste management plan only if:

1. The solid waste disposal proposals will conform with the requirements of the New Mexico Subdivision Act and these Regulations; and

2. The proposals for solid waste disposal contained in the disclosure statement can be fulfilled.

B. Solid waste management plans shall:

1. State the subdivider's name and mailing address;

2. State the date of the plan;

3. Be accompanied by a copy of the subdivider's disclosure statement on solid waste disposal;

4. Be accompanied by the information required in Subsections C and D of this section as applicable to the subdivider's solid waste collection and disposal proposal;

5. Contain such other relevant information as the Commission may reasonably require; and,

6. Provide that each lot owner shall be responsible for the removal of all solid waste on a weekly basis, either by utilizing an existing solid waste collection service or by hauling the waste to an existing waste disposal site.

C. The subdivider may propose solid waste collection by use of an existing solid waste collection service. The following information shall be submitted as part of the solid waste management plan:

Grant County Subdivision Regulations - 1997

1. a provision that each lot owner in the subdivision
shall be responsible for removal of all solid waste on a weekly basis from that owner's property by utilizing the proposed collection service or by hauling the waste to an existing waste disposal site; notice of this requirement shall be included in the disclosure statement;

2. a letter from an official of the solid waste collection service indicating that service is available to the subdivision;

3. the frequency of collections will be a minimum of once per week; and,

4. the estimated cost of the collection service to the users of the service.

D. If the subdivider proposes solid waste collection by operating a collection service, the following information shall be submitted as part of the solid waste management plan:

1. a description of the operation of the collection service, the equipment to be used for collections and the number of individuals devoted to collections; and,

2. the estimated cost of the collection service to the users of the service.

3. the subdivider shall provide a bond sufficient to cover the cost for a private contractor to provide collection services for one year.

4. a provision that each lot owner in the subdivision shall be responsible for removal of all solid waste on a weekly basis from that owner's property by utilizing the proposed collection service or by hauling the waste to an existing waste disposal site; notice of this requirement shall be included in the disclosure statement;

SECTION 2 - SOLID WASTE DISPOSAL REQUIREMENTS

For all proposed subdivisions, the subdivider shall provide for a solid waste collection system to collect and transport solid wastes to the disposal site at the time of first occupancy of the subdivision.
APPENDIX E

ROAD DEVELOPMENT PLAN

AND

ROAD DESIGN STANDARDS

Including Design of Blocks, Lots, Easements, and Off-Site Parking

I - ROAD DEVELOPMENT

A. All roads within a subdivision shall be constructed on a schedule approved by the Board of County Commissioners. It is unlawful for a subdivider to grade or otherwise commence construction of roads unless such construction conforms to the schedule of road development approved by the Board of County Commissioners.

B. All proposed roads must conform to minimum safety standards, and these Land Subdivision Regulations.

C. Where subdivision roads connect to state and federal highways, access points, penetration of right-of-way, and design requirements shall be governed by appropriate state or federal regulations. There shall be no more than one intersection with a state highway in a Type-Three and Type-Five subdivision, and no more than two intersections with a state highway in a Type-Two and Type-Four subdivision, unless additional intersections are permitted, in writing, by the State Highway Department, or if required for fire protection purposes. The State Highway Department's written approval of additional intersections shall be submitted with the preliminary plat. The subdivider shall consult with the State Highway Department concerning the appropriate number and location of intersections with State Highways in a Type-One subdivision before submittal of the preliminary plat, and written approval of the number and location of intersections shall be submitted with the preliminary plat.
A. The County Road Ordinance is incorporated into these Regulations as Appendix F. If the subdivider wishes to obtain the County's prior agreement to accept a planned public road within a proposed subdivision for County maintenance, the subdivider must first obtain the formal agreement of the County Commissioners, at the sketch plan phase of the subdivision process or thereafter. Such agreement shall provide that the County will accept for public maintenance once it has accepted the roadway's construction to standards for either Type A or Type B Roadways as specified within this Appendix and without variances.

B. Homeowners' Associations - A subdivider may shift responsibility for road maintenance to a Homeowners' Association if the subdivider has clearly stated in the Disclosure Statement, and indicated on the final plat, that purchasers of lots in the subdivision would be responsible for road maintenance, and if road maintenance responsibilities are assessed on a per-lot basis and the subdivider remains responsible for paying road maintenance assessments on unsold lots.

C. If the subdivider elects to provide road maintenance, the County Commission shall require a bond to ensure that maintenance is provided. The Commission shall determine an average annual cost of maintaining the roads and the bond shall be provided in 125% of that amount. The initial term of the bond shall be three years and shall be renewed at the end of each three-year period until such time as the County accepts the road for maintenance or a Homeowners' Association is formed to legally accept maintenance responsibility.

D. Roadway Classification and Minimum Requirements

1. Arterial Streets--Existing or Projected Average Daily Traffic Greater Than 5,000: Pavement structure and thickness for arterial streets will be designed by thickness design methods approved by the New Mexico State Highway Department. Curb and gutter may or may not be required by the reviewing staff recommendation, depending upon location and type of collector and local streets served. Width shall be designed to accommodate traffic volumes in accordance with the Highway...
Capacity Manual, to include a minimum of 8-foot shoulders. The Class I side slope classification requirements will apply.

2. Collector Streets--Existing or Projected Average Daily Greater Than 500, But Less Than 5,000: Pavement structure and thickness for collector streets will be designed by thickness design methods approved by the New Mexico State Highway Department. Curb and gutter may or may not be required by the reviewing staff recommendation, depending upon location and type of local streets served. Width will be designed to accommodate traffic volumes in accordance with the Highway Capacity Manual, to include a minimum of 4-foot shoulders. Class I side slope classification requirements will apply.

3. Local Streets: Minimum requirements for local streets are shown in Table E-1.
TABLE E-1

ROADWAY REQUIREMENTS -- LOCAL STREETS

<table>
<thead>
<tr>
<th>Subdivision Type</th>
<th>Lot Size (acre)</th>
<th>Minimum Road Type</th>
<th>Minimum Surfacing Width</th>
<th>Side* Slope Class(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,2,3</td>
<td>less than 1</td>
<td>A</td>
<td>32</td>
<td>I</td>
</tr>
<tr>
<td>1,2,3 MHU</td>
<td>1 to 2 ½</td>
<td>B</td>
<td>32</td>
<td>I</td>
</tr>
<tr>
<td>1,2,3</td>
<td>2 ½ to 5</td>
<td>B</td>
<td>32</td>
<td>I</td>
</tr>
<tr>
<td>1,2,3</td>
<td>greater than 5</td>
<td>C</td>
<td>28</td>
<td>II</td>
</tr>
<tr>
<td>4 and 5</td>
<td>greater than 10</td>
<td>C</td>
<td>24</td>
<td>II</td>
</tr>
</tbody>
</table>

* See Table E-2
** See Typical Sections
MHU stands for multiple housing unit

TABLE E-2

SIDE SLOPE CLASSIFICATION
(Refer to Table E-1)

CLASS I

<table>
<thead>
<tr>
<th>Height</th>
<th>Excavation* Slope</th>
<th>Embankment* Slope</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-5'</td>
<td>3:1</td>
<td>6:1</td>
</tr>
<tr>
<td>5'-10'</td>
<td>3:1</td>
<td>4:1</td>
</tr>
<tr>
<td>10'-15'</td>
<td>3:1</td>
<td>3:1</td>
</tr>
<tr>
<td>Over 15'</td>
<td>3:1</td>
<td>2 ¾ :1</td>
</tr>
<tr>
<td>Rock</td>
<td>⅜ :1</td>
<td>to 3/4 :1</td>
</tr>
</tbody>
</table>

* Should be increased if slope stability problems are indicated by engineering soils analysis.

CLASS II

<table>
<thead>
<tr>
<th>Height</th>
<th>Excavation Slope</th>
<th>Embankment Slope</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-5'</td>
<td>3:1</td>
<td>3:1</td>
</tr>
<tr>
<td>5'-10'</td>
<td>2 ¾ :1</td>
<td>2 ¾ :1</td>
</tr>
<tr>
<td>10'-15'</td>
<td>2:1</td>
<td>2:1</td>
</tr>
<tr>
<td>Over 15'</td>
<td>2:1</td>
<td>1 ¾ :1</td>
</tr>
<tr>
<td>Rock</td>
<td>⅜ :1</td>
<td>to 3/4 :1</td>
</tr>
</tbody>
</table>

***********************

APPENDIX E - ROAD DEVELOPMENT PLAN
1 All roads within a subdivision shall be constructed in accordance with the latest edition of the New Mexico State Highway Department Standard Specifications for Road and Bridge Construction. The subdivider will inform Grant County prior to the construction of each phase of the roads.

2 It is the responsibility of the developer to retain the services of a New Mexico-certified testing laboratory or New Mexico Professional Engineer, qualified and properly equipped to perform the necessary and sufficient testing to provide written certification that all roads were constructed in conformance with the requirements of these specifications. Test reports will be attached to the certification to be evaluated by the reviewing staff, who may require additional testing. Tests will be required on all phases of construction for types A, B, and C roads, including, but not limited to, density testings for subgrade, base course, and bituminous surfacing, gradation analysis on base course and bituminous surfacing, and slump tests and compression testing on concrete. If aggregate sources are unknown, the reviewing staff may require additional testing to certify compliance with other requirements of these specifications. Further written certification from the laboratory and/or Engineer shall be required, stating that roadways were constructed in conformance with the plans and specifications as approved by the Board of Grant County Commissioners during final plat procedures. NOTE: THERE SHALL BE NO SINGLE OR DOUBLE PENETRATION BITUMINOUS SURFACING ALLOWED IN ANY CASE FOR PUBLIC ROADS WITHIN A SUBDIVISION. The certification shall be based on actual site inspections performed during each phase of the construction. The certifying report shall include dates on which the roadways were inspected.

3 The attached drawings of "Grant County Road Standards," showing "Typical roadway Sections" are an integral part of these specifications.
Typical Section

Type "A" Roadway

1'-6' Curb & Gutter

Slope = 0.024 ft/ft.

2" Plant Mix Bituminous Pavement

6" Base Course

6" Compacted Subgrade

Before beginning preparation of subgrade, all sod and other vegetation shall first be removed from roadbed.
MIN. 60' R.O.W. OR MORE TO ACCOMMODATE EARTHWORK

SLOPE = 0.024 FT./FT.

BEFORE BEGINNING PREPARATION OF SUBGRADE, ALL SOD AND OTHER VEGETATION SHALL FIRST BE REMOVED FROM ROADBED

TYPICAL SECTION

TYPE "B" ROADWAY
A. The arrangement, character, extent, width, grade, and location of all streets shall conform to public convenience and safety.

B. The proposed street layout shall be made according to sound land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation of appropriate projections of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding tracts.

C. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render the dedication of full street right-of-way impracticable, then adequate provision for the concurrent dedication of the remaining half of the street must be assured by the subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

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

E. Where a proposed subdivision contains lots abutting or adjacent to a major highway, it shall be planned so as to avoid having lots fronting on the highway. Subdivision roads shall be mainly for internal circulation. The subdivision shall be laid out to have a minimum number of intersections with highways.

F. Lots

1. Shapes and location of lots shall be governed by topographical conditions, use, and surrounding or adjacent area.

2. Every lot shall have egress and ingress to a public thoroughfare.
3. Double frontage lots should be avoided. Backing a lot up to an existing high-traffic road is not considered double frontage.

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

5. When a commercial or industrial area is part of, or all of, a subdivision, consideration must be given to providing off-street parking when sizing the lots.

G. Parking: Depth and width of properties reserved or laid out for commercial use and industrial purposes shall be adequate to provide for off-street services, and parking facilities adequate to serve the proposed use.

SECTION 2 - STREET DESIGN

General: All design shall be performed in accordance with "A Policy on Geometric Design of Urban and Rural Highways" published by the American Association of State Highway Officials. (Hereinafter referred to as AASHO Standards). This guide contains minimum requirements of horizontal and vertical design, intersections, cross sections, grades, sight distance, and other elements of design. Additional requirements and modifications to said guides follow:

A. Streets shall be located, aligned, and designed to:

1. Preserve natural features, vegetation, and topography; and protect the natural environment;

2. Protect public health and safety;

3. Require the creation of the minimum feasible amounts of land coverage and the minimum feasible disturbance to the soil;

4. Provide, to the extent feasible, for the separation of motor vehicular, bicycle, pedestrian, and equestrian traffic;

5. Provide for proper drainage and erosion control; all road cuts and fills must be treated in order to minimize erosion;

6. Be compatible with the engineering interpretations of the soil survey.
B. Arterial and collector streets must be designated in Type I and Type II subdivisions and must be constructed in accordance with Paragraph II.D of this Appendix E.

C. Streets - Systems Requirements - All Subdivisions:

1. Proposed streets shall provide for appropriate continuation or completion of any existing streets that come to the boundary line of adjoining property.

2. The subdivider shall provide access and street openings to adjacent unsubdivided land.

3. The subdivider shall dedicate access and street openings for the subdivision to a public maintained road and shall construct such access and openings to County roads standards.

4. Frontage roads may be required, by the Subdivision Review Committee, to parallel and be adjacent to an arterial in order to protect the public safety.

5. Any street or alley temporarily dead-ended in the course of approved stage development shall be provided with a suitable, all-weather turn-around on the property of the subdivider. The use of the turn-around shall be guaranteed to the public until such time as the street is extended. Turn-arounds shall have 50 feet minimum radius.

6. Whenever arterials are designated as "controlled access," the subdivision layout shall be designed and deeds restricted so as to limit access to the arterial as follows: Lots should front on a frontage road parallel and adjacent to the arterial and entering into it at intervals not less than 1,200 feet, unless otherwise approved by the Subdivision Review Committee; or front on a parallel street.

D. Intersections

1. Streets shall be laid out to intersect each other as nearly as possible at right angles. Under no condition shall the intersection angle be less than 70 degrees.

2. No two opposing street intersections shall be less than 125 feet between centerline. Property lines at street intersections shall be rounded with a minimum radius of 25 feet.
3. Grades approaching street intersections shall not exceed 5% for a distance of not less than 100 feet each way from the intersection.

4. Multiple intersections involving the junction of more than two streets are prohibited.

5. Any street or alley temporarily dead-ended in the course of approved stage development shall be provided with a suitable, all-weather turn-around on the property of the subdivider. The use of the turn-around shall be guaranteed to the public until such time as the street is extended. Turn-arounds shall be 50 feet minimum radius.

E. Right-Of-Way Widths

1. Street right-of-way widths shall be not less than as follows:

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Right-of-way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alleys</td>
<td>20 feet</td>
</tr>
<tr>
<td>Local</td>
<td>60 feet</td>
</tr>
<tr>
<td>Frontage or Marginal Access</td>
<td>60 feet</td>
</tr>
<tr>
<td>Collector</td>
<td>100 feet</td>
</tr>
<tr>
<td>Arterial</td>
<td>150 feet</td>
</tr>
<tr>
<td>Cul de Sac</td>
<td>100 feet (with 50 foot radius turn-around)</td>
</tr>
</tbody>
</table>

2. Wider right-of-way may be required by the County Manager, reviewing staff, and/or the Subdivision Review Committee in order to permit proper drainage control, side-hill road construction, adequate sightlines, and lot access.

3. Where alleys intersect to form a "tee," "ell," or a cross, a corner shall be cut across 20 feet back from intersection of alley lines, providing room for vehicles. This triangle area shall be a part of the alley and shall not be fenced off or built upon.

F. Street Alignment - Curves

1. The minimum degree of curvature for local streets with normal crown cross section shall be a 130-foot minimum radius. If curves are designed in superelevation according to AASHO standards, smaller degrees of curvature will be considered by the reviewing staff for recommendation to the
County Subdivision Review Committee. Minimum degree of curvature for collector and arterial streets will be designed according to AASHO standards.

2. Adequate sight distance shall be provided with respect to horizontal and vertical alignment, stopping, passing, and at intersections, in accordance with AASHO standards, except as otherwise recommended by the County reviewing staff and approved by the Subdivision Review Committee.

G. Street Cross Section: All details of the cross section, including, but not limited to, crown, curb, pavement, subgrade, and roadside ditches, where applicable, shall be constructed in a manner approved by the County reviewing staff in accordance with AASHO standards and to provide adequate drainage and access to adjoining lots.

H. Street Gradient - Street grades shall not exceed the following percentages unless otherwise approved by the County reviewing staff:

a. Arterials--6%

b. Collectors--8%

c. Local--11%

(this may be exceeded, if approved by the County reviewing staff, in short stretches, if sight distances are maintained).

I. Signs and Striping

1. Permanent signing and other traffic control markings, as required, will be designed in accordance with the "Manual on Uniform Traffic Control Devices" published by the US Department of Transportation, Federal Highway Administration.

2. The subdivider may choose street names subject to the approval of the Subdivision Review Committee. Existing street names should be matched or continued where practical. Duplication of street names shall not be permitted.

3. The subdivider shall provide and install street signs which shall be of a type approved by the County reviewing staff.
4. In large blocks with interior parks, in exceptional long blocks, at bus stops, or where access to a school or shopping center is necessary, a cross walk of a minimum of four (4) feet in width shall be provided.

J. Cul-de-Sacs

Cul-de-sacs (dead end streets) shall not be longer than 500 feet for Types I and II subdivisions, and there shall be provided at the closed end a turnaround having a radius of at least 50 feet to the outside edge of the outside driving lane.

K. Sidewalks

Where sidewalks are provided, they shall be located within the right-of-way. Unless otherwise provided, sidewalks shall be a minimum of four (4) feet in width and shall be portland cement concrete (3000 psi, minimum), a minimum of four (4) inches thick, except that they shall be a minimum of six (6) inches thick at driveway crossings. There shall be no approval of a variance from this standard without the recommendation of the County Engineer.

L. Planning Requirements

1. The subdivider will submit a drainage study prepared by a professional engineer, registered in the State of New Mexico, indicating volume and directions of drainage and how drainage structure sizes and flow volumes were determined. Drainage structures shall be required in conformance with Subdivider's Hydrology Report and Storm Drainage Plan as required for preliminary plat approval. They shall be designed to contain flood frequencies from 25-year or greater storms. Culverts under 18 inches in diameter will not be permitted.

2. The subdivider will submit a soils investigation report prepared by a professional engineer, registered in the State of New Mexico, or a New Mexico-certified testing laboratory, indicating soil classifications and identifying any problem areas. The investigation should be accompanied by an on-site survey. Where classifications of A-4, A-5, A-6, or A-7 are encountered, the report should indicate how those areas will be treated. The soils investigation should include additional testing for strength values where pavement thickness design is required for arterial or collector streets.
3. The subdivider will submit plans for all roadways. Plans will be prepared by a professional engineer, registered in the State of New Mexico. The plans shall be drawn on plan and profile paper indicating horizontal alignment, finished grade, and existing grade profiles, together with vertical curve data (in cases of superelevation or construction of curb and gutter, both centerline and shoulder elevations should be shown), location of structures and skew, and any other information required for construction, such as drive locations, utilities, and other barriers or obstacles. Typical roadway sections, structure sections, and all other construction details should be shown. Locations where special subgrade treatment will be required should be shown and located on the plan.

4. The subdivider will submit a signing plan (and striping plan, if applicable), together with sign faces and other details.

5. The subdivider will submit construction specifications covering each phase of the roadway construction prepared by a professional engineer, registered in the State of New Mexico.

6. The subdivider will submit a maintenance plan stating how and when the proposed roadways will be maintained.

7. The subdivider shall submit a plan showing all street names. Before submitting this plan, the subdivider shall coordinate this plan with the County Ordinance Officer to assure compliance with the County Rural Addressing System.
APPENDIX F

GRANT COUNTY ROAD ORDINANCE
AND COUNTY ROAD CONSTRUCTION STANDARDS

BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, NEW MEXICO

This policy, Procedure and County Road Construction Standard will hereinafter be called "The Grant County Road Ordinance." The Board of Grant county Commissioners is hereinafter called the "County". This Policy will govern the dedication and acceptance of all roads and acceptance by the County of roads for maintenance, except for roads which the County may acquire by means of U.S.D.A. easements. Procedures for roads acquired by means of U.S.D.A. easements will be negotiated on an individual basis. The Procedure sets forth the steps which must be taken before the County will perform the following two separate functions:

A. Accept dedication of a road as public property.

B. Accept the road for maintenance by the County.

GENERAL

Policy

1 Acceptance of roadways within an approved subdivision for maintenance by the County requires an application by the subdivider or property owner for such maintenance to the County Commission, and specific action by the County Commission pursuant to this Appendix. If the subdivider wishes to obtain County's prior agreement to accept a planned public road within the subdivision for County maintenance, the subdivider must first obtain the formal agreement of the County Commissioners, at the sketch plan phase of subdivision approval or thereafter, that the County will accept for public maintenance once the County has accepted the roadway's construction to standards for either Type A or Type B Roadways as specified within Appendix E of these Regulations without variances.

2 The dedication to the County of a previously private road requires that all landowners whose land abuts the road participate in the dedication process. The County will not utilize the power of eminent domain to condemn a holdout property except under highly unusual emergency circumstances or if the road is being constructed pursuant to the County Improvement District Act, Sec 4-55A-1 et seq, NMSA 1978 either by provisional order or petition. In the

Grant County Subdivision Regulations - 1997

APPENDIX F - COUNTY ROAD ORDINANCE
event that the holdout property is acquired pursuant to the County Improvement Act, then all property benefitted by the road will be assessed for the total amount of the project, which would include acquisition of holdout property.

3 The County shall be provided with a legal description of the road and a survey of the road on a plat, at a scale of 1 inch equals 200 feet, signed by a registered land surveyor.

4 The road to be dedicated must conform to the criteria as listed in the Grant County Subdivision Regulations, Appendix E, Road Development Plan (E. Right-of-Way Widths).

5 The County shall not accept any road into the County system for maintenance by the County unless it meets County road construction standards, as attached hereto and fully incorporated herein.

6 Subdivision Roads: Pursuant to Section 47-6-5 NMSA 1978, approval of a plat by the Board of County Commissioners dedicates the land dedicated on the plat for public use. Although dedicated land becomes public property, a change in the statutory provision after 1981 makes it clear that the County need not maintain the roads until the road fully conforms with the County Road Standards, and the roads are accepted for maintenance by the County, in a separate application procedure. The revised County Land Subdivision Regulations (1987), provide that a dedication can be accepted before the road is built, but that the County is not obligated to maintain the roads until they are built according to County standards by the subdivider, whose responsibilities for construction and maintenance of the roads will be clearly set forth in the Subdivision Disclosure Statement, and in a secured Subdivision Improvements Agreement between the County and subdivider, executed pursuant to the Subdivision Regulations.

7 Roads in new subdivisions approved after the effective date of this Ordinance shall be considered for dedication and maintenance according to County Subdivision Regulations and County road standards, and according to procedures as set forth in the County Subdivision Regulations and herein. Roads in subdivisions approved before the effective date of this policy and procedure will be approved pursuant to the procedure for nonsubdivision roads unless there is official documentation, such as an approved plat, disclosure statement, or other documentation, which specifically sets forth the responsibility of the parties for dedication and maintenance.
At such time as the County accepts the road for dedication, it becomes public property, and the fee vests in the County.

If the road accepted by the County was previously indicated as an easement across private property on the deed to that property, the approved plat dedicating the road must be referenced to every piece of private property involved, in the office of the County Clerk, and the easement shall no longer be shown on future deeds transferring said property.

I PRIVATE ROADS IN INHABITED RESIDENTIAL AREAS AND NONRESIDENTIAL AREAS WHICH ARE NOT IN SUBDIVISIONS

A. Policy

1. The County is under no obligation to accept the dedication of any road or assume its maintenance and will only do so if, in its discretion, it feels that public health, safety, and general welfare requires such acceptance of dedication and acceptance for maintenance.

2. The County shall only accept private roads in areas which are not in approved subdivisions after they are certified by the County Road Review Committee as meeting County standards, unless the road will be constructed by the County utilizing a County Improvement District pursuant to Section 4-55A-1 et seq, NMSA 1978.

3. Property owners seeking dedication of the road will assume the cost of bringing the roads to County standards. If the landowners demonstrate that they are unable to assume the costs of constructing the road and if the County, in its discretion, believes that a situation of public necessity exists requiring the road to become public property, then the County Commission may establish a special County Assessment District pursuant to 4-55A-1 et seq, NMSA 1978. The County would then assume responsibility for construction of the road to County standards, accepting the dedication of the road, and, after completion of the road, will accept the road for maintenance. It would assess the abutting landowners for the cost of the construction according to the terms of 4-55A-1 et seq, NMSA 1978.
4. The Board of County Commissioners will accept both the dedication of the road and accept the road for maintenance only at such time as the road is in actual use.

B. Procedure

1. All landowners on whose land the road proposed to be dedicated to the County enters and/or crosses or abuts, must sign a preliminary petition for dedication of the road. The preliminary petition must include the legal description of the road, and be accompanied by a survey of the road, depicted on a plat which indicated all property abutting the road, as well as the road's intersection with other County and private roads. The petition form shall be provided by the County (see sample form).
SAMPLE FORM

PRELIMINARY PETITION

We the undersigned hereby petition the Board of Grant County Commissioners in accordance with Grant County Road Standards and Road Ordinance, to include the following described road(s) on the County Road System and maintain the same:

A. The road by name is:

B. A legal description and surveyed plat of the road is attached and/or provided as required by the County Road Ordinance and/or County Design Standards.

C. All landowners whose property abuts the road(s) and/or all landowners on which the road traverses, dedicates the road for public use; and

We the undersigned are aware of and will abide by the Grant County Road Standards and County Road Ordinance prior to acceptance if accepted, of the road(s) by the Board of Grant County Commissioners.
2. Petitioners or their representatives shall schedule a meeting with the County Manager and the County Superintendent and/or Engineer before commencement of construction of the road so that appropriate personnel can conduct a preliminary, intermediate, and final inspection of the road. The County Manager and the County Road Superintendent and/or County Engineer will determine if the petition and plat are complete and will also review County Road construction standards with the petitioners and advise them about construction. Advice given at this meeting does not obligate the County to accept the road upon completion, either as public property or for maintenance.

3. If landowners are petitioning for a County Improvement District, pursuant to 4-55A-10, NMSA 1978, then owners of 66 2/3 or more of the front feet of any tracts or parcels of land, exclusive of land owned by the United States or the State, which abuts the street or road, must sign the petition.

4. Except in the case of a petition for a County Improvement District, after completion of the road, all landowners on whose land the road proposed to be dedicated to the County enters and/or crosses or abuts shall sign a final petition and a final plat. The petition shall state that the road meets County standards at the time of the petition (i.e., if it is a petition for County Improvement District), then the petitioners must present, in the petition, the reason that it does not, and request a variance from these requirements, giving justification for the variance.

5. All landowners on whose land said road enters and/or crosses must sign the plat, except as provided in the County Improvements District Act. The plat must also be signed by a licensed surveyor.

6. The plat must contain the following dedicatory language:

The undersigned hereby dedicates for public use; for ingress and egress, utilities, maintenance, and any other public use, the following described property:

(Property Description)
7. The petition and plat will be reviewed by the County Manager or his designee, who will inform the petitioners, within thirty (30) days of receipt, if it is complete. If it is not complete, it will be returned to the petitioners. If the County Manager or his designee finds the petition and plat to be complete, it will be submitted to the County Road Review Committee for investigation, inspection, and recommendations within 30 days of receipt. The Committee consists of the Road Superintendent and/or his foreman, and the County Manager and/or his designee.

8. The County Road Review Committee will conduct its investigation and inspection and make its recommendations within sixty (60) days of receipt from the County Manager, and will inform the County Manager of its recommendations within sixty (60) days of receipt of the petition and plat from the County Manager. If a variance has been requested, the County Road Review Committee will also make a recommendation concerning whether a variance should be granted and under what conditions. The County Manager will inform the petitioners of the County Road Review Committee's recommendations within ten (10) days of its receipt from the County Road Review Committee.

9. If the County Road Review Committee recommends acceptance of the dedication of the road and acceptance for maintenance by the County, then the County Manager will transmit this recommendation to the County Commission, to be placed on the agenda of the next Commission meeting. If the road is to be constructed pursuant to the County Improvements District Act, then the provisions of that statute will govern notice, hearings, and subsequent procedure.

10. The County Road Review Committee will schedule public meetings four time during the calendar year. If the Road Review Committee has recommended against acceptance of the dedication and acceptance of the road for maintenance, and/or against granting a variance, and/or recommends acceptance only on the performance by petitioners of certain conditions, then petitioners, or their designated representative, will be placed on the agenda of the next regularly-scheduled quarterly meeting of the Committee for a public hearing, if petitioners so request. If the Road Review Committee does not revise its opinion within 30...
days of its meeting, the petitioners may appeal to the County Commission, within 30 days of the applicable road meeting date. The appeal will be placed on the agenda for the next public meeting of the Commission.

11. Whenever testing of material is required by the County Road Construction Standards, it shall be paid for by the landowner and/or subdivider. Before performing a test, the landowner shall post security with the County Treasurer in the amount of the estimated cost of the test, as signed by a licensed contractor or professional approved by the County Road Superintendent and/or County Engineer.

12. If the Review Committee approves the final petition and plat, it will submit its findings to the County Manager who will place the item on the agenda of the next regularly-scheduled meeting of the Board of County Commissioners.

13. Any person aggrieved by a decision of the County Commission may seek judicial review within 30 days of the decision of the Commission.

II SUBDIVISION ROADS

A. Policy

1. At the time of submittal of a subdivision plat, the subdivider may designate the roads on the plat as either public or private.

2. All roads, whether private or public, must be constructed by the subdivider in full conformance with County road construction standards, including right-of-way, surface material, grades, etc.

3. The plat shall clearly state that the subdivider has agreed to build the roads within the subdivision in full conformance with the requirements of the New Mexico Subdivision Act and the County Subdivision Regulations, and whether the roads are private or public.

4. Roads designated as public, become public property upon approval of the plat by the Board of County Commissioners; and the fee of such land vests in the County.
5. Approval of a plat does not indicate acceptance of the road for maintenance by the County. Pursuant to the Subdivision Regulations, and a Subdivision Improvements Agreement executed under the terms of those Regulations, the construction of roads in a subdivision will be scheduled according to a plan for development of the subdivision, and subdivision roads will only be accepted by the County at such time as they are ready for actual use, upon submittal of a separate application for acceptance of the roads by the subdivider, or a succeeding homeowners' association.

6. The subdivider shall remain responsible for continual road maintenance in the subdivision unless, and until, either the County accepts the road maintenance responsibilities, or a homeowners' association is duly constituted, as described in the Subdivision Disclosure Statement and Subdivision Improvements Agreement, to accept road maintenance responsibility. The County Commission shall have sole authority to determine if County maintenance is justified. The streets shall be maintained by the subdivider or homeowners' association until such time as the County Commission formally declares that the roads or streets are eligible for County maintenance.

7. The County will no longer approve easements for access across lots in subdivision applications. If roads in a subdivision are to be private, then they must be owned and maintained by either the subdivider, or a homeowners' association. The responsibilities of the association must be fully disclosed to the property owners in the Subdivision Disclosure Statement, Subdivision Improvements Agreement, and final plat.

B. Procedure

1. The provisions of the Grant County Subdivision Ordinance and the County road constraints shall govern the dedication of County roads as well as construction.

2. The provisions of the County Subdivision Regulations, and the subdivision agreement executed pursuant to those regulations, will govern the time during which the subdivider is obligated to construct and maintain subdivision roads.

APPENDIX F - COUNTY ROAD ORDINANCE
3. The subdivider, or homeowners' association, if this responsibility has been clearly set forth in the Subdivision Disclosure Statement, Subdivision Improvements Agreement Disclosure, and preliminary plat, shall petition the County for road maintenance of public roads, according to the terms of the Agreement. In the event that subdivision roads are private, or the subdivision was approved before the adoption of this Ordinance, and responsibilities for construction and maintenance of the road are not clearly set forth in either the disclosure Statement or any written agreement with the County, or on the final plat, the subdivider or homeowners' association will follow the same procedure for dedication and acceptance as set forth herein for nonsubdivision roads.

4. Where a plat of the subdivision has been previously filed in the County Clerk's Office, a second plat may or may not be required, depending on whether or not property lines on the physical location of the existing road(s) are the same as in the original plat.
SECTION 1. - TERRAIN MANAGEMENT PLAN

A. Any person seeking approval of a subdivision plat must submit a terrain management plan. No subdivision plat shall be approved unless the terrain management plan has been approved by the Commission. The Commission may approve a terrain management plan if it determines that the plan conforms with the requirements of the New Mexico Subdivision Act and the Grant County Land Subdivision Regulations. All subdividers shall submit a plan for protection to the site from erosion and blowing topsoil during development.

B. Terrain management plans for all subdivisions shall contain:

1. Maps including the following information:

   (a) a vicinity map drawn to a scale of not less than 2,000 feet to one inch showing contours as set forth below at (b) (2), the relationship of the site to its general surroundings, and the location of all existing drainage channels, water and erosion control structures, water courses and water bodies of the subdivision. It shall delineate all drainages which flow into the effected drainage system or affect the proposed subdivision.

   (b) a subdivision map drawn to a scale of 200 feet or less to one inch showing:

      (1) the boundaries of the area to be subdivided;

      (2) contours at the following intervals, unless smaller contour intervals are required to define flooded areas:

      - For all subdivisions containing lots less than 5 acres in size: 2 feet contour intervals or less on slopes less than 8% and 5 feet or less contour intervals on slopes above 8%.

      - For all subdivisions containing lots between 5 and 10 acres in size, but with no lots less than 5 acres in size: 10-feet contour intervals.

Grant County Subdivision Regulations - 1997
For subdivisions in which all lots are 10 acres or greater in size: 20 feet contour intervals.

(3) An overlay showing the location of all proposed lots, roads, bridges, water and erosion control structures, and utilities easements in relation to the existing contours;

(4) the location of all cuts and fills;

(5) the location and size of existing and proposed drainage channels, watercourses, water bodies, floodways, flood fringes and flood plains and other drainage structures;

(6) the location of all areas with major rock outcroppings, slopes over 8%, and wooded areas;

(7) the location of major vegetation types, and cover density; the location of all areas in which the subdivider intends to preserve vegetation and the location of all areas which the subdivider intends to revegetate;

(8) the location of any identified wildlife habitat areas to be preserved;

(9) the location of any farm lands to be preserved;

(10) the location of any scenic vistas to be preserved;

(11) the location of anthropological and/or archaeological sites to be preserved;

(12) the location of mine shafts which may require stabilization.

(c) Designs and construction of erosion control structures; revegetation and stabilization plans shall comply with the Soil and Water District’s standards and specifications for such measures.

2. A soil survey, which must identify the specific soil types within the area to be subdivided. Either the S.C.S. soil survey or an approved comparable survey may be utilized as the foundation for the soil survey. It shall include an overlay of the various soil types, drawn
to the scale of the subdivision showing the location of each different soil type. The survey shall indicate soil test results for soil depth to bedrock, percolation rate of each soil, shrink-swell characteristics of each soil, soil depth to seasonal high water ground table, and slope of the land. The soil survey shall include engineering interpretations of each soil, including its limitation for its intended use. Limitations include, but are not limited to, surface and subsurface drainage problems, seasonally high water tables, flood hazard, and identity of soils subject to excessive erosion. Examples of intended uses include, but are not limited to, road subgrade septic tank absorption fields, community water and liquid waste disposal systems, building site developments, and construction material (roadfill, etc.). State and federal reviewing agencies, and/or the County may require additional information in a soil survey based on knowledge of existing, suspected, or potential problems.

3. A surface drainage proposal, prepared by a professional engineer, including:

(a) storm drainage computations showing the estimated runoff from the subdivision prior to and following completion of development; see Section F -- Storm Drainage Criteria;

(b) sufficient runoff information on the areas contributing runoff to the subdivision to show existing drainage patterns and drainage courses that may affect the subdivision or be affected by the subdivision; and

(c) all appropriate design details necessary to clearly explain the construction of all necessary water control structures. Roadway drainage structures shall be a minimum of 18” in diameter.

4. A subsurface drainage description including:

(a) an overlay drawn to the scale of the subdivision map locating areas where the seasonal high water table is estimated to be within 5 feet of ground surface using Soil Survey of Grant County, and

(b) all appropriate design details necessary to clearly explain the construction of all subsurface structures.

5. A general grading plan setting forth the means for stabilizing all cut and fill slopes;

APPENDIX G - TERRAIN MANAGEMENT
SECTION 2. - SOILS

A. Prior to plat approval, the subdivider shall prove to the Commission that all lands to be developed are composed of soils suitable for the intended use.

B. Soil not suitable, or having a high degree of hazard for the intended use, shall not be developed for the intended use unless the subdivider can demonstrate to the Commission that the inherent soil limitations may be overcome by engineering design.

C. Soil suitability will be ascertained from soil survey engineering interpretations.

SECTION 3. - GRADING

A. All grading, filling, and clearing operations, including road development, shall be designed to:

1. preserve, match, or blend with the natural contours of the land;

2. retain trees and other native vegetation to the extent possible, to stabilize hillsides, retain moisture, control and reduce erosion runoff, and preserve the natural scenic beauty;

3. minimize scars from cuts and fills;

4. reduce the amount of cuts and fills and to round off sharp angles at the top and toe and sides of all necessary cut and fill slopes;

5. prevent the deposit of sediment into flood plains, drainage channels, watercourses and water bodies; and,

6. be compatible with the soil survey engineering interpretations and the local district technical guide.

B. The following discharges attributable to grading are prohibited whether the discharge is direct or indirect:

1. sediment and other organic or earthen materials discharged into a watercourse, waste body, drainage channel, or flood plain; and,

2. material placed in any position which would make it susceptible to erosion and deposition into a watercourse, water body, drainage channel, or flood plain.

APPENDIX G - TERRAIN MANAGEMENT
C. Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to the extent necessary to eliminate dust arising from the exposed material.

D. All grading and filling operations shall be accomplished in such a manner as to limit the amount of time during which the soil is in a disturbed, exposed, and unprotected state.

E. Vegetation removed during clearing operations shall be disposed of in accordance with applicable law.

F. Earth removed during operations shall be disposed of in accordance with applicable law.

G. The maximum cut or fill slope shall be determined on the basis of the risk of instability or soil erodibility as shown by the soil survey.

H. If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, the Commission shall require such measures as are necessary to ensure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical stabilization of the slope.

I. Where mechanical stabilization or containment of the slope by other than the use of native plant materials is employed, the stabilization devices shall be at least partially screened by vegetation where practical.

J. No organic material, such as vegetation or rubbish, frozen soil, or any other material not subject to proper compaction or otherwise not conducive to its stability shall be permitted in fills. No rock or similar irreducible material with a maximum diameter greater than eight inches shall be buried or placed in the top two feet of fills.

K. Each layer of material for fill to be used at road construction site shall be compacted not less than 95% of maximum dried density, (standard proctor).
SECTION 4. - FLOOD PLAIN MANAGEMENT

A. All subdivisions shall be planned and located to:

1. mold the floodplain development in such a manner as to lessen the damaging effects of floods;

2. protect individuals from buying lands which are unsuited for intended purposes because of flood hazards;

3. promote the development of private and public uses such as open space, greenbelt, recreation, and wildlife habitat; and

4. Comply with FEMA studies and regulations.

B. Flood plains may not be used for:

1. construction of buildings for human habitation unless all useable floor space is constructed a minimum of one (1) foot above the 100-year flood level; and,

2. structures, excavations, or deposits of material which, acting alone, or in combination with existing or future works, could obstruct flood flows or adversely affect the capacity of the flood plain.

C. Flood fringes may not be used for:

1. structures designed for human habitation;

2. structures with a potential for high flood damage; and,

3. permanent sheltering and restrictive confining of animals.

D. No development may be undertaken which restricts a floodway.

E. In approving a subdivider's plat, the Commissioners may, as a condition of approval, require fills, dikes, levees, or other diversion measures to protect the subdivision from floods.

SECTION 5. - STORM DRAINAGE

A. All subdivisions shall be planned, constructed, and maintained to:

1. protect and preserve existing natural drainage channels except where erosion and flood measures are approved by the Commission;
2. protect structures and other works from flood hazards;

3. provide a system by which water within the subdivision will be removed without causing damage or harm to the natural environment, or to property or persons within the subdivision or in other areas;

4. assure that waters drained from the subdivision are substantially free of pollutants, including sedimentary materials, or any greater quantity than would occur in the absence of the subdivision; and,

5. assure that waters are drained from the subdivision in such manner that they will not cause erosion outside of the subdivision to any greater extent than would occur in the absence of the subdivision.

B. All storm drainage systems shall be constructed in accordance with:

1. specifications of the local district technical guide; however where underground urban type systems are planned, city guidelines will be used; and

2. engineering interpretations of the soil survey.

C. The Commission may require the design and construction of a drainage system that will ensure that the inlet flowline elevations and the capacity are such that it is capable, or may be extended as necessary, to serve adequately the entire drainage area and basin within the subdivision.

D. The use of on site or subdivision retention or detention is required for all proposed subdivisions above existing developments. Any deviation requires prior approval from the Grant County Commission.

SECTION 6. - STORM DRAINAGE CRITERIA

A. The Urban Drainage Criteria section are guidelines for drainage system design and methods of handling surface runoff flows. The parameters and methods included herein are intended to serve as minimum standards. Sound engineering practices and principles shall be followed in all engineering projects within the County of Grant.

B. STORM DEFINITIONS:

1. Initial and Major Design Storm. Every urban area has two separate and distinct drainage systems. One is the initial storm system corresponding to the initial (or ordinary) storm occurring at regular intervals. The other is the major system corresponding to the major
(or extraordinary) storm which has a probability of 1% of being equalled or exceeded in any one year. Since the effects and routing of storm waters for the major storm may not be the same as for the initial storm, all storm runoff drainage plans submitted for review and approval shall indicate the effects of the initial and the major storm.

2. **Initial Storm Provisions.** The initial storm drainage system shall be so designed as to provide protection against regularly occurring damage, to reduce street maintenance costs, and to provide orderly urban drainage ways. Other required structures shall be considered as part of the initial drainage system.

3. **Major Storm Provisions.** The major storm drainage system shall be so designed as to prevent major property damage or loss of life from the runoff expected in a major storm event. The anticipated effects of the major storm on the initial storm drainage system shall be clearly identified in the drainage report.

4. **Design Storm Frequencies.** The initial and Major Design Storms shall not be less than the following 24 hour return frequencies:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Design Storm Return Period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Initial</td>
</tr>
<tr>
<td>Residential</td>
<td>10 yr.</td>
</tr>
<tr>
<td>Planned Building Group</td>
<td>10 yr.</td>
</tr>
<tr>
<td>General Commercial</td>
<td>10 yr.</td>
</tr>
<tr>
<td>Parks, Greenbelts</td>
<td>10 yr.</td>
</tr>
<tr>
<td>Open Channels</td>
<td>10 yr.</td>
</tr>
<tr>
<td>Detention, Retention Facilities</td>
<td>N/A</td>
</tr>
</tbody>
</table>

5. **Runoff Computation.** Total Storm Runoff shall be computed in accordance with the criteria set forth in these specifications. Runoff computations for both the initial and major storm shall be submitted with the proposed storm drainage plan.

C. **RUNOFF ANALYSIS METHODS**

1. This section sets forth the minimum design, technical criteria and specifications for the analysis and design of drainage systems. All subdivision plans, planned building groups, paving projects, or any other commercial or residential construction submitted for approval by the County of Grant shall include storm drainage analysis and

APPENDIX G - TERRAIN MANAGEMENT
appropriate drainage system design before any phase of construction will be permitted. Such analysis and design shall meet the criteria outlined in this report.

2. Runoff Analysis for developments greater than two (2) lots shall be based on the Natural Resource Conservation Service Method (NRCS) which is outlined in a publication entitled "Peak Rates of Discharge for Small Watersheds, Chapter 2 (revised 2/85 for New Mexico), Engineering Field Manual for Conservation Practices." This manual is specifically for the application of the NRCS procedure in New Mexico. Rainfall Data for analysis is outlined in the publication and can be found in the appendix. NRCS Technical Release 55, Urban Hydrology for Small Watersheds (only with New Mexico supplement) may also be used.

The following limitations apply to the NRCS method:

1. Minimum initial time - 5 minutes

2. Time of concentration equal to the sum of initial time and gutter/pipe flow time. The minimum time of concentration is 10 minutes.

3. Overland flow portions of time of concentration are to be calculated for a maximum reach length of five hundred feet (500').

4. For drainages greater than 10 square miles, more detailed analysis should be made. Natural Resources Conservation Service's National Engineer's Handbook 4 and Technical Release 20 or HEC-1 should be used. Other methods need to be pre-approved by the Grant County Commission.

D. SPECIFIC REQUIREMENTS

The following criteria shall be utilized in the analysis of the drainage system.

1. Runoff analysis shall be based upon the proposed land use, and shall take into consideration all contributing runoff from areas outside of study area. The analysis of storm runoff from existing developed areas lying outside of the study area shall be based upon present land use and topographic features. All undeveloped land lying outside the study area shall be evaluated based upon the most probable anticipated future land use. However, when the future land use of a specific undeveloped area cannot be accurately predicted, the average runoff coefficients used shall not be less than what is specified for undeveloped areas.

APPENDIX G - TERRAIN MANAGEMENT
2. The probable future flow pattern in undeveloped areas shall be based on existing natural topographic features (existing slopes, drainage ways, etc.)

3. Average land slope in both developed and undeveloped areas may be used in computing runoff. However, for areas in which drainage patterns and slopes have been established, these shall be used.

4. Flows and velocities which may occur at a design point when the upstream area has been fully developed shall be considered. Drainage ways, including the initial and major systems shall be designed such that the increased flows and velocities, due to development, meet the guidelines for the initial and major design storms.

5. Streets can be used as drainage ways for the initial storm runoff. The primary use of streets shall be for the conveyance of traffic.

6. The use of on-site retention or detention is required for all sites above existing or prior planned developments and not included in a general basin drainage plan. Detention Pond storage volumes shall be calculated for the 10 and 100 year storms by flood routing using a hydrographic method. The changing of natural drainageway location will not be approved unless such change is shown to be without unreasonable hazard and liability, substantiated by thorough analysis and investigation.

   The use of detention facilities may not be acceptable where outfall is into another storage facility. These facilities may be sensitive to increased volumes of runoff as opposed to increased rates of flow. Such facilities require Planning, Engineering, & Programs Director approval.

7. The planning and design of drainage systems shall be such that problems are not transferred from one location to another. Outfall points shall be designed in such a manner that will not cause increased flooding downstream.

8. Additional Flood Plain information may be required for 100 year storm flows of greater than 100 cfs on preliminary and final drainage drawings. Information shall include 100-year flood plain inundation area and anticipated depth of flood waters. Standard step backwater models shall be used for flood depth determination. The Hydrologic Engineering Center HEC-2 or equivalent analysis may be required.

9. Drainage easements or dedicated rights-of-way will be required for drainage ways and these shall be designated on all drainage drawings.
and subdivision plats. When drainage area easements are needed, they should be planned to optimize open spaces within the subdivision.

10. Approval will not be made for any construction which will encroach on any drainage easement or impair surface or subsurface drainage.

E. SPECIFIC ANALYSIS REQUIREMENTS

Requirements for Storm Drainage Reports and Construction Plans:
All drainage reports shall be prepared by a professional engineer, registered in the State of New Mexico and shall be reviewed for compliance with the minimum requirements and specifications set forth herein. Reports involving large developments and/or complex structures may require more review time. The Engineer should be aware that whenever unusual or serious drainage problems are anticipated in conjunction with a proposed development, additional analysis and information beyond the minimum requirements outlined in these specifications and criteria may be required by the County.

1. Master Drainage Study. A Master Drainage Study shall be required prior to approval for any annexation, planned development, commercial development or subdivision.

The purpose of the Master Drainage Study is to identify major drainageways, ponding areas, locations of culverts, bridges, open channels and drainage basins which are contributory to the proposed study area. In addition, the ability of downstream drainage facilities to pass the developed runoff from the proposed development must be analyzed in the Master Drainage Study.

The Master Drainage Study shall contain a general outline of the proposed drainage routing plans for the development.

The report shall show present and developed 10-year and 100-year flows and include, but not be limited to, the following information and calculations:

(a) Calculations for peak flow from all offsite tributary drainage areas.
(b) Calculations for peak flow within the proposed development for all drainage basins larger than 20 acres.
(c) Preliminary analysis of 100 year flood plain and major drainage ways.
(d) Closed subbasin analysis including identification of water into or out of subbasin.
(e) Discussion and analysis of downstream drainage facilities.
(f) Discussion of drainage problems and solutions which are anticipated within the development.

(g) Report shall be typed and bound on 8½ x 11" paper.

Drawings for the Master Drainage Study shall include but not be limited to the requirements listed in SECTION 1.

SECTION 7. - E.P.A STORMWATER NPDES PERMIT REQUIRED

The subdivider should be aware that the Federal Environmental Protection Agency (EPA) requires a stormwater NPDES permit for all construction activities (private land included) which disturb more than 5 acres of land. "Permitting requirements include the use of temporary erosion protection measures until disturbed areas are stabilized by vegetation. A "pollution prevention plan" must be prepared. EPA contacts at the Region IV office are:

Brent Larson (214) 665-7112
Brian Burgess (214) 665-7534

The EPA regulations for erosion protection exceed Grant County’s requirements. Grant County and the District will request a copy of any pollution prevention plan prepared for EPA by the developer pursuant to these EPA regulations.

SECTION 8. - IMPLEMENTATION OF TERRAIN MANAGEMENT PROVISIONS

Property owners shall maintain all permanent erosion control devices and plantings.

SECTION 9. - ENFORCEMENT OF TERRAIN MANAGEMENT PROVISIONS

A. Violations of, and/or noncompliance with, the Grant County, County Subdivision Ordinance and Land Subdivision Regulations as to terrain management shall result in forfeiture of security, performance bond, and immediate cessation of all development activities and sales.

B. The Commission and/or its agent (County Manager), in cooperation with the District Attorney, shall exercise enforcement procedures, as soon as knowledge of violations or noncompliance are evidenced, either during or after development.
APPENDIX H

EXACTIONS AND IMPACT FEES

I. EXACTION FEES:

A. The County may require that the developer dedicate land for public use and/or contribute cash in lieu of land for the purchase of land or construction facilities perceived to be necessary by local government, to construct facilities on-site or in the general neighborhood of the subdivision, which will be used by subdivision residents.

II. IMPACT FEES:

A. Impact fees may be levied against new developments in order to generate revenue for funding capital improvements necessitated by that development.

B. An Impact Fee Schedule will be adopted by Ordinance of Grant County pursuant to the New Mexico state statute relating to development and impact fees, Section 5-8-1 et. seq. N.M.S.A (1978 Comp). The Impact Fee Ordinance, once adopted, will be incorporated herein by reference.
SECTION I - PURPOSE

The regulations, restrictions and requirements of this Appendix are designed to promote orderly development of mobile home parks within Grant County in keeping with the general purposes of these Subdivision Regulations.

SECTION II - INTERPRETATION AND CONFLICT

The regulations, restrictions and requirements of this Appendix shall be held to be the minimum standards acceptable for mobile home parks within Grant County in order to carry out the purposes of the Grant County Subdivision Regulations. The developer of a mobile home park subdivision shall comply with the requirements of the Subdivision Regulations, generally, and with this Appendix. Where the requirements of this Appendix differ from those of those of the Subdivision Regulations, generally, the provisions of this Appendix shall control.

SECTION III - STANDARDS FOR MOBILE HOME PARKS

MOBILE HOME PARKS: In any district or zone in which mobile home parks are allowed, the following regulations and minimum standards shall apply.

A. Minimum area of tract.

The tract for mobile home parks established after the Grant County Subdivision Regulations are enacted shall contain at least one (1) acre of land and all land involved shall be so dimensioned and related as to facilitate efficient design and management.

B. Site conditions.

Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health and safety of the occupants. The mobile home park subdivision shall be in compliance with the technical standards and requirements of all other appendices to these Grant County Subdivision Regulations, including, but not limited to: Appendix A, Water Quantity; Appendix B, Water Quality; Appendix C, Liquid Waste; and, Appendix G, Terrain Management.

C. Access to the site.

Direct vehicular access to the mobile home park shall be provided by means of an abutting approved public street or road. The width and construction of the access streets or roads shall be suitable for the vehicular traffic requirements of the properties served. Sole vehicular access shall not be by an alley.

Grant County Subdivision Regulations - 1997
D. Design of entrances and exits.

Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the mobile home park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the mobile home park shall be through such entrances and exits.

E. Internal streets.

Streets shall be provided within the mobile home park where necessary to furnish principal trafficways for safe and convenient access to all spaces and to facilities for common use by mobile home park occupants. Such streets shall be privately owned, constructed and maintained.

1. Street alignment and gradient. In accordance with Appendices E and G of these Regulations, street alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactory control surface and ground water.

2. Street surfacing and maintenance. A sound all-weather driving surface shall be provided and maintained.

3. Roads, walks and parking areas.

   a. All two-lane roads shall allow at least twenty (20)-feet free width. Space for roadside parking shall not be taken from this width.

   b. The mobile home park walk system shall include a walk from the entrance of each trailer to the service facilities, where such are required, or the street line in those courts not required to furnish service facilities. A walk may be defined as an unobstructed, graded, paved or unpaved right-of-way for pedestrian traffic within the mobile home park.

   c. Street widths shall be sufficient to permit free movement from or to the stream of traffic on the public streets and no parking shall be permitted which in any way interferes with such free movement.

F. Parking spaces.

Parking spaces shall be provided in sufficient number to meet the needs of the occupants and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one off-street parking space for each mobile home space, plus one additional off-street parking space for each four (4) spaces to provide for guest parking, for two (2) car tenants and for delivery and service vehicles. Note: Street as used in this paragraph shall mean a public dedicated street; as in off (the public) - street parking.
G. Driveways.

Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other materials. Driveways serving a single facility or single mobile home space shall have a minimum full-width of 8 feet or 10 feet where it is also used as a walk.

H. Access to mobile home space.

Convenient access shall be provided to each mobile home space by means of an accessway reserved for maneuvering mobile homes into position. The minimum width of the accessway shall be 12 feet, plus extra width as necessary for maneuvering a mobile home on a curve or as required by some late model mobile homes.

I. Mobile home space.

The mobile home space shall provide for practical placement on and removal from the space of both the mobile home and its appurtenant structures and the retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings. A space shall be provided for every mobile home in the mobile home park.

1. Size. The size of the space shall be suitable for the general market to be served by the individual proposal, and it shall fit the dimensions of the mobile homes anticipated, including their appurtenant structures or appendages.

2. Location. The location of each mobile home space shall be at such elevation, distance and angle in relation to the access street and the mobile home accessway that placement and removal of the mobile home is practical.

3. Gradient. 0 percent to 5 percent longitudinal and adequate crown or cross-gradient for surface drainage.

4. Construction. The space shall be properly graded, placed and compacted, so as to be durable and adequate, for the support of the maximum anticipated loads during all seasons.

J. Mobile home space area and setbacks.

The space area established for each mobile home shall be in conformance with the dimensions of the mobile homes placed therein. The minimum side to side spacing between mobile homes or any permitted building or structure shall be at least 15 feet. The minimum end-to-end spacing between mobile homes shall be at least 10 feet. No mobile home shall be closer than twenty-five (25) feet from the right-of-way of a main thoroughfare, unless separated from the thoroughfare by a substantial fence or wall; or ten (10) feet from the trailer court property line.
K. Special external setback requirement.

To the extent that the mobile home park is subject to zoning requirements, where the mobile home park adjoins at a lot line (without an intervening street or alley) the boundary of a more restrictive or less restrictive zone district, the setback requirement of the mobile home park will be in accordance with the setback requirements of the zone wherein located. In this case, walls, fences or vegetative screening at the outer edges of such setbacks may be required.

L. Management offices and common facilities.

Any structure or structures containing the management office and other common facilities shall be conveniently located for the uses intended. Consolidation of management, laundry, recreation and other common facilities in a single building and location is acceptable if the single location will adequately serve all mobile home lots. All structures shall meet the requirements of all applicable building codes.

M. Recreation area.

Not less than 5 percent of the gross site area shall be devoted to open space for recreational purposes. The open space should have a central location and shall not be decentralized.

N. Pedestrian circulation.

The pedestrian circulation system shall be designed, constructed and maintained for safe and convenient movement from all spaces to principal destinations within the mobile home park and, if appropriate, shall provide access to pedestrian way leading to destinations outside the mobile home park. Minor streets and collector streets, which are privately owned, may be used as pedestrian ways except where concentration of either pedestrian or vehicular traffic appears likely to lead to congestion or hazards.

O. Exterior lighting.

To the extent that the mobile home park is subject to zoning requirements, all exterior lights shall be so located and shielded as to prevent direct illumination of any contiguous property of a more restrictive zone district.

P. Residential occupancy.

No space shall be rented for any use other than residential use of a mobile home or for storage trailer in any mobile home park.

Q. Density.

The density of the mobile home park will be governed by application of the standards for spaces and distances between mobile homes and structures.
R. Codes and requirements.

The mobile home park shall comply with the provisions and requirements of the Plumbing Code and the Electrical Code of the State of New Mexico.

SECTION IV - VARIANCE, COMPLIANCE, PROCEDURE AND FEES

A. Variance. A variance from the standards of this Appendix may be granted by the Grant County Commission in accordance with the procedure set forth in these Subdivision Regulations.

B. Compliance. Mobile home parks shall comply with all ordinances and resolutions of Grant County, except that all parts of such other ordinances or resolutions which are in conflict with the provisions of this Appendix and these Subdivision Regulations are hereby repealed to the extent that they conflict with this Appendix and the Grant County Subdivision Regulations.

C. Procedure. Applications for plat approvals and for variances to these Subdivision Regulations and consideration thereof by the Grant County Commission shall be accomplished pursuant to the procedures provided for in these Subdivision Regulations.

D. Fees. The mobile home park subdivider shall be responsible for payment of all fees required in these Subdivision Regulations, including those required for plat submission and for variance requests.
APPENDIX J

GRANT COUNTY

SUBDIVISION REGULATIONS

FORMS
DISCLOSURE STATEMENT
FOR SUBDIVISIONS CONTAINING FIVE (5) PARCELS OR LESS

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

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

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

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

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

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

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

Upon your request, a facsimile copy of the final plat shall be provided to you by the subdivider. Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.
1. **NAME OF SUBDIVISION**

(name of subdivision)

---

2. **NAME AND ADDRESS OF SUBDIVIDER**

(name of subdivider)

(address of subdivider)

---

3. **CONDITION OF TITLE**

Include at least the following information where applicable

(number of mortgages)

(name and address of each mortgagee)

(balance owing on each mortgage)

(summary of release provisions of each mortgage)

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

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

(balance owning on each real estate contract)

(summary of default provisions of each real estate contract)

(summary of release provisions of each real estate contract)
4. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY

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

5. UTILITIES

<table>
<thead>
<tr>
<th>(name of entity providing electricity, if available)</th>
<th>(estimated cost per parcel)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(name of entity providing gas service, if available)</td>
<td>(estimated cost)</td>
</tr>
<tr>
<td>(name of entity providing water, if available)</td>
<td>(estimated cost)</td>
</tr>
<tr>
<td>(name of entity providing telephone, if available)</td>
<td>(estimated cost)</td>
</tr>
<tr>
<td>(name of entity providing liquid waste disposal, if available)</td>
<td>(estimated cost)</td>
</tr>
<tr>
<td>(name of entity providing solid waste disposal, if available)</td>
<td>(estimated cost)</td>
</tr>
</tbody>
</table>

6. INSTALLATION OF UTILITIES

<table>
<thead>
<tr>
<th>(electricity)</th>
<th>(date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(gas)</td>
<td>(date)</td>
</tr>
</tbody>
</table>
7. **UTILITY LOCATION**

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

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

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

<table>
<thead>
<tr>
<th>Utility</th>
<th>Above ground</th>
<th>Underground</th>
</tr>
</thead>
<tbody>
<tr>
<td>electricity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>gas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>water</td>
<td></td>
<td></td>
</tr>
<tr>
<td>telephone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>liquid waste disposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>solid waste disposal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. **WATER AVAILABILITY**

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

(describe the availability and sources of water to meet the subdivision's maximum annual water requirements)
9. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS (if applicable)

(name and address of entity providing water)

(source of water and means of delivery)

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

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

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

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

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

(if wells are provided by the subdivider, state the cost, if any to the purchaser/lessee/conveyee)
11. LIQUID WASTE DISPOSAL

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

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

12. SOLID WASTE DISPOSAL

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

13. TERRAIN MANAGEMENT

(describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation District’s soil survey for Grant 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)

13. SUBDIVISION ACCESS

(name of town nearest to subdivision)

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

(describe access roads to subdivision)

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

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

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

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

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

16. CONSTRUCTION GUARANTEES (if applicable)

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

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

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

17. ADVERSE OR UNUSUAL CONDITIONS

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

18. FIRE PROTECTION

(distance to nearest fire station from subdivision)

(route over which that distance is computed)

(state whether the fire department is full-time or volunteer)
19. POLICE PROTECTION

List the various police units that patrol the subdivision.

(sheriff's department, if applicable)

(municipal police, if applicable)

(state police, if applicable)

20. PUBLIC SCHOOLS

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

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

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

20. AGRICULTURE

New Mexico law includes statute (NMSA Sections 47-9-1 through 47-9-7) cited as the "Right to Farm Act." According to this law, "any agricultural operation or facility is not, nor shall it become, a private or public nuisance by any changed condition in or about the locality of the operation or facility, if the operation was not a nuisance at the time it began and has been in existence for more than a year." The Right to Farm Act includes, but is not limited to, operations and facilities within the farm or ranch such as: chemical application, field preparation, irrigation, cultivation, conservation practices, pruning, plowing, planting, roadside market or any other use of the land for the production of plants, crops, trees, forest products, orchard crops, livestock, poultry or fish.
DISCLOSURE STATEMENT
FOR SUBDIVISIONS CONTAINING SIX (6) PARCELS OR MORE

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

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

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

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

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

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

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 Grant County Clerk.

Upon your request, a facsimile copy of the final plat shall be provided to you by the subdivider. Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.
1. NAME OF SUBDIVISION

(name of subdivision)

2. NAME AND ADDRESS OF SUBDIVIDER

(name of subdivider)

(address of subdivider)

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

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

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

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

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

Present

(number of parcels)

(number of acres in subdivision)

Anticipated

(number of parcels)

(number of acres in subdivision)

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

(size of largest parcel in acres)

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

(size of smallest parcel in acres)
7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES

($) = lowest amount) (size of parcel sold, leased or conveyed)

($) = highest amount) (size of parcel sold, leased or conveyed)

8. FINANCING TERMS

(interest rate)

(term of loan or contract)

(minimum down payment)

(service charges and/or escrow fees)

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

(closing costs)

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

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

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

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

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

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

(name of person who is recorded as having equitable title)

Disclosure Statement - 6 Lots or More

FORMS - Page 12
NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

11. CONDITION OF TITLE

Include at least the following information where applicable

(number of mortgages)

(name and address of each mortgagee)

(balance owing on each mortgage)

(summary of release provisions of each mortgage)

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

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

(balance owning on each real estate contract)

(summary of default provisions of each real estate contract)

(summary of release provisions of each real estate contract)

(statement of any other encumbrances on the land)

(statement of any other conditions relevant to the state of title)
12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY

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

13. ESCROW AGENT

(name of escrow agent)

(address)

14. UTILITIES

(name of entity providing electricity, if available) (estimated cost per parcel)

(name of entity providing gas service, if available) (estimated cost)

(name of entity providing water, if available) (estimated cost)

(name of entity providing telephone, if available) (estimated cost)

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

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

15. INSTALLATION OF UTILITIES

(electricity) (date)

Disclosure Statement - 6 Lots or More
16. **UTILITY LOCATION**

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

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

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

<table>
<thead>
<tr>
<th>Utility</th>
<th>Above ground</th>
<th>Underground</th>
</tr>
</thead>
<tbody>
<tr>
<td>electricity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>gas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>water</td>
<td></td>
<td></td>
</tr>
<tr>
<td>telephone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>liquid waste disposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>solid waste disposal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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)

(whether or not the subdivider can fulfill the proposals
in this disclosure statement concerning water, excepting
water quality)
23. **WATER QUALITY**

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

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

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

24. **NEW MEXICO ENVIRONMENT DEPARTMENT’S OPINION ON WATER QUALITY**

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

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

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

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

25. **LIQUID WASTE DISPOSAL**

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

**NOTE:** NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS
26. **N.M. ENVIRONMENT DEPARTMENT’S OPINION ON LIQUID WASTE DISPOSAL**

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

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

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

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

27. **SOLID WASTE DISPOSAL**

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

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

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

(whether or not there are sufficient solid waste disposal facilities to fulfill the 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 Grant County)

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

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

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

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

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

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

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

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on:

(whether or not the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion)

(whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)
31. **SUBDIVISION ACCESS**

(name of town nearest to subdivision)

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

(describe access roads to subdivision)

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

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

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

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

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

32. **MAINTENANCE**

(state whether the roads and other improvements within the 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 the following:

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

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

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

34. CONSTRUCTION GUARANTEES

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

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

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

35. ADVERSE OR UNUSUAL CONDITIONS

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

36. RECREATIONAL FACILITIES

(describe all recreational facilities, actual and proposed in the subdivision)
37. **FIRE PROTECTION**

(distance to nearest fire station from subdivision)

(route over which that distance is computed)

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

38. **POLICE PROTECTION**

List the various police units that patrol the subdivision.

(sheriff's department, if applicable)

(municipal police, if applicable)

(state police, if applicable)

39. **PUBLIC SCHOOLS**

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

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

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

(name of nearest hospital)

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

(number of beds in nearest hospital)

41. SHOPPING FACILITIES

(description of nearest shopping facilities including number of stores)

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

42. PUBLIC TRANSPORTATION

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

43. AGRICULTURE

New Mexico law includes statute (NMSA Sections 47-9-1 through 47-9-7) cited as the "Right to Farm Act," According to this law, "any agricultural operation or facility is not, nor shall it become, a private or public nuisance by any changed condition in or about the locality of the operation or facility, if the operation was not a nuisance at the time it began and has been in existence for more than a year." The Right to Farm Act includes, but is not limited to, operations and facilities within the farm or ranch such as: chemical application, field preparation, irrigation, cultivation, conservation practices, pruning, plowing, planting, roadside market or any other use of the land for the production of plants, crops, trees, forest products, orchard crops, livestock, poultry or fish.
AGREEMENT TO CONSTRUCT
SUBDIVISION IMPROVEMENTS
PUBLIC & PRIVATE

THIS AGREEMENT made this ___ day of ___, ___, by and between Grant County, New Mexico (hereinafter referred to as "County") and ______________________, (hereinafter referred to as "Developer") pursuant to Article IV, Section 19 of Grant County Land Subdivision Regulations, formally adopted in Grant County Ordinance _____, and recorded in the Office of the County Clerk of Grant County, New Mexico, in Book ___, Page _____ et seq., _____ Records ___.

WHEREAS, the Developer is developing certain lands within the County of Grant, State of New Mexico, known as __________, (hereinafter referred to as the "Subdivision"); and, whereas, the Developer has submitted, and the County has approved, a preliminary plat identified as ______ ______ describing the Subdivision; and,

WHEREAS, the preliminary plat submitted by the Developer proposed both private and public infrastructure improvements within the subdivision; and,

WHEREAS, Article VII, Sections A through F, of the County’s Subdivision Land Regulations requires the Developer to install and construct certain public improvements at no cost to the County; and,

WHEREAS, the County requires the execution of an Agreement to construct said public improvements, together with acceptable guarantees of construction as specified below, as a prerequisite to approval of a Final Plat of the Subdivision; and

WHEREAS, the Developer must obtain County approval of construction plans, specifications, and cost estimates for the improvements and upon County approval of such construction plans, specifications, and cost estimates the County is prepared to issue the Developer a Work Order permitting the commencement of construction activities upon execution of this Agreement and payment of all required fees, all as set forth and specified below; and,

WHEREAS, the County is willing to inspect or monitor the private inspection of the improvements during the course of their construction and accept said improvements upon their satisfactory completion, all as set forth and specified below; and,

WHEREAS, the Developer financially guarantees the satisfactory completion of the infrastructure construction required herein and the payment of all labor and material costs and charges, all as set forth and specified below.
NOW, THEREFORE, in consideration of the above, the County and Developer hereby agree as follows:

ISSUANCE OF WORK ORDER

1 The Developer shall submit to the Office of the Grant County Manager final construction plans, specifications and cost estimates for the proposed public improvements hereinafter referred as the "Subdivision Improvements Plan" on or before the final plat submittal date. At this time, the Developer shall pay all fees required in the County Land Subdivision Regulations and Paragraph 3 of this Agreement.

2 After execution of this Agreement, payment of all applicable fees as specified in paragraph 3, delivery of the financial guarantee specified in paragraph 16, and certificate of public liability insurance as specified in paragraph 23, below, the Developer shall be issued a Work Order by the County. The Developer shall advise the office of the Grant County Manager in advance of the actual start of construction and arrange for all inspections required and specified in paragraphs 7 through 13. The Developer shall permit the County or other participating agencies to make such tests and inspections during the construction of the improvements and upon completion of the improvements as are necessary or desirable.

3 Prior to issuance of a Work Order, the Developer shall pay to the County the following fees:

<table>
<thead>
<tr>
<th>Type of Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$</td>
</tr>
</tbody>
</table>

Prior to final acceptance of the improvements by the County, the Developer shall pay any other County fees which may have been incurred during the course of construction.

COMMITMENT TO CONSTRUCT IMPROVEMENTS

4 The Developer shall, on or before the ____ day of ____, complete to the satisfaction of the County the improvements required for the Subdivision as set forth in the Developer's Subdivision Improvement Plan which is attached hereto as Exhibit A and incorporated herein by reference.

The time limitation stated above may be extended by the County Engineer for a period not to exceed twelve (12) months if the Developer shows adequate reasons for said extension.

Subdivision Improvements Agreement
5 The Developer has engaged _____________ as Engineer(s) for the construction project, who are Registered Professional Engineers in the State of New Mexico. Developer shall ensure that the Engineer(s), in such capacity, shall provide the following services prior to, during, and after construction of the improvements:

__________________________________________

The Developer shall ensure that the Engineer performs all of the above services in a satisfactory manner and submits to the office of the Grant County Manager any reports required by the County.

6 The Developer has engaged _____________ as Contractor, who is properly licensed in the State of New Mexico. The Developer shall ensure that the Contractor, in such capacity, shall in a manner satisfactory to the County construct the improvements as shown on Developer's proposed Subdivision Improvements Plan (Project No._____), incorporating any change orders approved by the office of the Grant County Manager, and all other applicable laws, regulations, and policies.

FINAL ACCEPTANCE PACKAGE

7 The Developer shall report the completion of construction in writing to the office of the Grant County Manager. Upon receipt of the report, the County reviewing staff shall visually inspect the public improvements to verify completion of construction according to plan. Subsequent to verification, the Developer shall submit to the office of the County Manager a "final acceptance package," which shall consist of the following documents:

A. As-built drawings of reproducible quality, depicting all construction of the public improvements as actually accomplished in the field and certified by a New Mexico Registered Professional Engineer or Land Surveyor, as appropriate.

B. A list of quantities of contract items in place, using the bid items in a state-approved list of standard estimated unit prices. This list shall be divided into the following categories as applicable:

1. Sanitary sewer items and quantities;

2. Water service items and quantities;

3. Street paving quantities;

4. Street curb and gutter quantities; and

5. Storm drainage improvements and quantities
C. The Developer shall either provide Certification by a New Mexico registered Professional Engineer that the required Private Improvements have been constructed in compliance with approved plans and specification or the Developer shall make necessary arrangements for Certification by the office of the Grant County Manager that the required improvements are satisfactorily completed.

If the County is acting as the Contractor for any portion of the improvements constructed pursuant to this Agreement, the County shall prepare its own final acceptance package documents for those improvements actually constructed by the County.

8 Upon receipt of the Developer's "final acceptance package," the Grant County reviewing staff shall review it for completeness and accuracy. If the documentation has been satisfactorily completed, the office of the Grant County Manager shall approve the package and issue a Certificate of Completion and Acceptance. Any financial guarantee provided by the Developer in accordance with Article VI, Section 2 of the County's Land Subdivision Regulation between the Developer and the County ("125% financial guarantee") shall be released no later than sixty (60) days after approval of the final acceptance package by the reviewing staff and/or County Engineer.

CONSTRUCTION INSPECTION METHODS

9 Inspection of the subdivision improvement construction shall be performed by ______ on all private facilities and by _____________ on all public facilities, being New Mexico Registered Professional Engineers, in accordance with all applicable laws, ordinances, and regulations. If said inspection is performed by an entity other than the County, the County may monitor said inspection and the Developer shall ensure that the inspecting entity provides all inspection results, reports, and related data to the County as required for review. The County retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the improvements if deemed necessary or advisable by the office of the Grant County Manager. For any inspections performed by the County, the Developer shall pay to the County a reasonable fee therefore.

CONSTRUCTION SURVEYING

10 Construction surveying for the subdivision improvement project shall be performed by _____________ on all private facilities and by _____________ on all public facilities in accordance with all applicable laws, ordinances, and regulations. If said construction surveying is performed by an entity other than the County, the County may monitor said construction surveying and the Developer shall ensure that the construction surveying entity provides all construction surveying filed notes, plat, reports, and related data to the County as required for review. If any construction surveying is performed by the County, the Developer shall pay to the County a reasonable fee therefore.
FIELD TESTING

11 Field testing of the subdivision improvement construction shall be performed by _______ on all private facilities and by _____________ on all public facilities, being a certified testing laboratory under the supervision of a New Mexico Registered Professional Engineer, in accordance with the technical standards contained in the applicable contract documents and all applicable laws, ordinances, and regulations. If any field testing is performed by an entity other than the County, the County may monitor said field testing and the Developer shall ensure that the field testing entity provides all field testing results, reports, and related data to the County as required for review. If any field testing is performed by the County, the Developer shall pay to the County a reasonable fee therefore.

RECORD TESTING

12 Notwithstanding the provisions of Paragraph 2, above, the County retains the right to perform any and all record testing which may be deemed necessary or advisable by the office of the Grant County Manager at the expense of the Developer.

13 The County shall make available at established reproduction costs for the use of the Developer or its agents all of its maps, records, laboratory tests, or other data pertinent to the work to be performed by the Developer or its agent pursuant to this Agreement and also any other maps, records, or other materials available to the County upon the County's request to any other public agency or body.

FINAL GUARANTEE

14 The Developer shall provide financial guarantees for the completion of all subdivision improvements.

15 On or before submittal for final plat approval for the subdivision, the Developer is required to submit a financial guarantee in an amount of not less than 125 percent of the costs of completing the improvements (as estimated by the office of the Grant County Manager) pursuant to the County's Land Subdivision Regulations. Such financial guarantee must be irrevocable in form and may be effected by a bond, letter of credit, escrow deposit, or other acceptable pledge of liquid assets payable to the County in the event of Developer's default under the Subdivision Improvement Agreement.

16 With respect to this Agreement, the Developer has acquired or is able to acquire the following-described financial guarantee (describe fully, indicate amount, identification number, names of bank or bonding entity, inclusive dates of guarantee, and all other relevant information):

_________A copy of this financial guarantee is attached hereto as "Exhibit B".
17 The Developer understands and agrees that the original executed financial guarantee described above must be delivered to the County simultaneously with the County's execution of this Agreement; and must be in an amount of not less than 125 percent of the cost of completing the improvements, as estimated by the office of the Grant County Manager.

18 In the event the Developer shall fail or neglect to fulfill his obligations under this Agreement, the County shall have the right to construct or cause to be constructed the improvements specified herein, as shown on the Preliminary or Final Plats and in the plans and specifications as approved. The Developer as Principal and the surety or sureties shall be jointly and severally liable to pay to and indemnify the County, the total cost to the County thereof, including but not limited to, engineering, legal, and contingent costs together with any damages, either direct or consequential, which the County may sustain on account of the failure of the Developer to carry out and execute all of the provisions of this Agreement. The County shall have the unconditional right to call upon the financial guarantee provided by the Developer described in Paragraph 16 for the purposes specified and in the amounts enumerated in such guarantee.

PROCEDURES FOR REDUCTION OF FINANCIAL GUARANTEE UPON PARTIAL COMPLETION OF IMPROVEMENTS.

19 The Developer may request a reduction in the amount of financial guarantee upon partial completion of the subdivision improvements. To qualify for a financial guarantee reduction, the completed improvements must be of a free-standing nature, functionally independent of any uncompleted improvements, and completed in substantial compliance with the subdivision improvement construction plans as determined by an inspection conducted by the County.

20 If the completed improvements meet the above requirements, the County Engineer will then estimate the cost of completing the remaining improvements. The Developer may then submit the following documents to the County for review and approval:

A. A revised financial guarantee in an amount of not less than 125 percent of the Grant County Manager's estimated cost of completing the remaining improvements.

B. A release of the original financial guarantee for execution by the County.

C. Documentation that the completed improvements and the land in which the completed improvements are located are subject to no liens, claims, or other encumbrances.

D. A bond or other suitable instrument guaranteeing the completed improvements against defective materials and workmanship for a period of three (3) years as set forth in Paragraph 25 of this Subdivision Improvement Agreement between the Developer and the County.
21 Upon receipt of the above-described documents in the forms acceptable to the County, the County shall issue a Certificate of Completion and Acceptance for the completed improvements and shall accept the revised financial guarantee tendered by the Developer for the improvements remaining to be completed.

LIABILITY

22 Until acceptance of the improvements by the County, the Developer shall be solely responsible for maintaining the premises being subdivided in a safe condition. The Developer agrees to defend, indemnify and hold harmless the County and its officers, agents, and employees from and against all suits, actions, or claims of any character brought because of any injury or damage arising out of the design or construction of the improvements or by reason of any act or omission, or misconduct of the Developer, his agents, employees, or the Engineer or Contractor or their agents or employees. The indemnity required hereunder shall not be limited by reason of the specifications of any particular insurance coverage in this Agreement. Nothing herein is intended to impair any right or indemnity under the laws of the State of New Mexico.

23 The Developer shall procure or cause to be procured and maintain public liability insurance in the amount of not less than One Million Dollars ($1,000,000) for accidents or occurrences which cause bodily injury, death or property damage to any member of the public resulting from any condition of the lands of the subdivision improvements therein or the construction activities thereon. The insurance policy must name Grant County, its employees, and elected officials, as their interest may appear, as additional insured. The Developer shall maintain such insurance until acceptance of the construction of all of the improvements by the County. Any cancellation provision must provide that if the policy is canceled prior to the expiration date hereof, materially changed, or not renewed, the issuing company will mail 30 days written notice to the County, attention County Manager. The Developer shall furnish the County Engineer a certificate of said insurance prior to issuance of a Work Order for construction of the improvements.

TITLE OF REAL PROPERTY

24 If at the time that construction of the Project is completed the County does not own the real property on or in which the improvements are constructed, the Developer shall convey such real property and property rights as the County deems necessary, together with all improvements, to the County free and clear of all claims, encumbrances and liens prior to final acceptance of the improvements by the County. Dedication on the final plat of the subdivision may be an appropriate conveyance.

GUARANTEE OF WORKMANSHP AND MATERIALS

25 At the time of acceptance of the completed improvements or any portion thereof by the County, the Developer shall furnish or cause to be furnished a bond or other suitable guarantee in a form and with a surety satisfactory to the County to guarantee the
completed project against defective materials and workmanship for a period of three (3) years following the date of acceptance by the County.

ASSIGNMENT OF AGREEMENT

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

27 In the event of the sale, conveyance, or assignment of the Subdivision or any portion thereof, the County will not release the Developer from its obligations under this Agreement and will continue to hold the Developer responsible for all Improvements until a successor in interest to the Developer has posted a suitable guarantee and entered into a Subdivision Improvement Agreement with the County. At such time as acceptable security has been posted by the Developer’s successor in interest and the Agreement executed, the County will release the guarantee.

Should there be a conflict between the terms and conditions of this Agreement and the terms and conditions of any other document referred to herein, the terms and conditions of this Agreement shall govern.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

DEVELOPER

________________________________________
(Signature)

Name

Title

COUNTY OF GRANT, NEW MEXICO

________________________________________
By ___________________________
Its Chairman

______________________________
County Manager

ATTEST:

______________________________
County Clerk

Subdivision Improvements Agreement
The foregoing instrument was acknowledged before me this ___ day of ________ 19__, by __________________ of ____________________________.

My commission expires: ______________________________

NOTARY PUBLIC

County Attorney
FORM 4

SUBDIVISION IMPROVEMENTS BOND

KNOW ALL BY THESE PRESENTS: That we (NAME OF DEVELOPER, CORPORATION, PARTNERSHIP, ETC.) as Principal, and (NAME OF SURETY) a corporation organized and existing under and by virtue of the laws of the State of _____________ and authorized to do business in the State of New Mexico, as Surety, are held and firmly bound unto GRANT COUNTY in the penal sum of (AMOUNT WRITTEN) Dollars, ($ AMOUNT IN FIGURES) the payment of which well and truly to be made, and each of us bind ourselves, our and each of our heirs, executors, administrators, successors and assigns jointly, and severally, firmly by these presents.

NOW THEREFORE, the condition of the above obligation is such that:

WHEREAS, said subdivision is subject to the provisions and conditions of the ordinance of GRANT COUNTY known as the Land Subdivision Regulations, which regulation requires, among other things, the installation of various road and other improvements by said principal; and

WHEREAS, under said Subdivision Regulations the said Principal in (NAME OF SUBDIVISION) Subdivision is required "as part of his responsibility" to install and construct the following improvements:

(NAME OF IMPROVEMENTS, I.E. WATER, SEWER, PAVING, SIDEWALK)

All construction shall be performed in accordance with the Agreement to Construct Subdivision Improvements entered into between (NAME OF DEVELOPER) and GRANT COUNTY, as recorded in the office of the Clerk of GRANT COUNTY, New Mexico at Book Misc. (LEAVE BLANK), pages (LEAVE BLANK) through (LEAVE BLANK).

NOW THEREFORE, if the above bounden Principal shall well and truly install and construct the said described improvements and facilities and perform the work herein above specified to be performed, all on or before (DATE) then this obligation shall be null and void.

IN WITNESS WHEREOF, these presents have been executed this

_______ day of ________________________, 19__

NAME OF DEVELOPER
(Corporation, Partnership, etc.)

By: _______________________________ Its: __________________
(Name)

Subdivision Improvements Bond
NAME OF SURETY:

BY: __________________________________________
    (Name and Title)

STATE OF NEW MEXICO )
    ) ss.
COUNTY OF GRANT )

    Subscribed and sworn to before me this ______ day of ____________________, 19__.

My Commission Expires:

________________________________________  Notary Public

APPROVED AS TO FORM:

______________________________  COUNTY ATTORNEY

NOTE: Power of Attorney for Surety needs to be attached.

Subdivision Improvements Bond
AMOUNT:_____

County Manager
Grant County
P.O. Box 898
Silver City, NM 88062

Dear Mr. ______________:

At the request of _____ (NAME) a (Corporation/Partnership, etc.) _____, we establish our Irrevocable Letter of Credit in your favor for the account of _____(REPEAT ABOVE)____, to the extent of and not exceeding _____(AMOUNT WRITTEN) (§ FIGURES)____.

This Letter of Credit has been established to ensure the completion of (Description of Activity)_____ as provided by the Agreement between _____(REPEAT NAME)_____, and GRANT COUNTY which Agreement is recorded in Book Misc. ______, at pages _____ to _____, of the records of the County of Grant, State of New Mexico (the "Agreement"). A Draft or Drafts for any amount up to, but not in excess of _____(Amount Written)____ (Figures) is/are available at sight at (Name of Bank/City, State) between (Date) and (Date), 19____.

When presented for negotiation, the Draft(s) is/are to be accompanied by the following document:

The County’s notarized certification stating that (Repeat Name), has failed to comply with the terms of the Agreement, and also certifying that "the undersigned is County Manager of Grant County and is authorized to sign this statement," and also certifying that the amount of the Draft does not exceed 125% of the cost of completing the improvements specified in the Agreement.

We hereby agree with the drawer of Draft(s) drawn and under and in compliance with the terms of this credit that such Draft(s) will be duly honored on the presentation to the drawee if negotiated between (Date) and (Date), 19____.

The Draft(s) drawn under this credit must be endorsed and contain the clause: "Drawn under Letter of Credit and Agreement No. _____of (Name of Bank/City/State), date ________"; the amount of such Draft(s) must be endorsed on the reverse die thereof, and this Letter of Credit must be attached to that Draft which exhausts this credit.

Letter of Credit
This credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce, Publication No. 400.

This credit terminates at ___________ o'clock p.m., New Mexico time, (date), 19__.

NAME OF BANK

(Name and Title of Authorized Person)

APPROVED AS TO FORM:

GRANT COUNTY

COUNTY ATTORNEY
FORM 6

CLAIM OF EXEMPTION

To claim an exemption from the requirements of the Grant 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 office of the Grant County Manager. Be sure to check all exemptions which apply and attach legible copies of all supporting documents.

The Grant County Manager’s office will notify you in writing within thirty (30) days as to whether your claim of exemption has been granted. If the claim of exemption is granted, or if you do not hear from the County Manager’s office within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Grant 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 Grant County Subdivision Regulations.

******************************************************************************

I, ____________________________________________, claim an exemption from the requirements of the New Mexico Subdivision Act and the Grant 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 DOCUMENTATION 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.

Claim of Exemptions

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 CERTIFICATION FROM THE GRANT COUNTY ASSESSOR THAT THE LAND TO BE CONVEYED WILL CONTINUE TO BE ELIGIBLE FOR AGRICULTURAL LAND ASSESSMENT STATUS.

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 DOCUMENTATION 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 DOCUMENTS AND DOCUMENTATION 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 DOCUMENTATION SHOWING LOCATION, DESCRIPTION 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 DOCUMENTATION SHOWING SIZE, DESCRIPTION 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)

SUBSCRIBED AND SWORN to before me this ____ day of __________, 199__.

________________________
Notary Public

My commission expires:

Claim of Exemptions
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
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 [appropriate county staff member] 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): ____________________________

Application - Preliminary Plat Approval

FORMS - Page 42
SUPPLEMENTAL INFORMATION

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

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

10. If this is a resubdivision, provide a reference to the original plat with an explanation of the proposed changes.

11. Supporting documentation required for the preliminary plat review as defined by the County Subdivision Regulations shall be attached to this application.

12. The required number of copies of the preliminary plat map as specified by the County Subdivision Regulations shall be attached to this application.

13. 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 ______________

Application - Preliminary Plat Approval

FORMS - Page 43
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 offices of the Grant County Manager’s Office 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 ________________________________

4. Engineer/Surveyor Name, Address and Phone Number ________________________________

______________________________  Signature ________________________________

Date ________________________________

SUPPLEMENTAL INFORMATION

5. Have any changes to the proposed subdivision been made since the preliminary plat was approved? ________ If so, attach a detailed explanation of such changes.

6. Have the required improvements been completed? ________ If not, attach improvement agreement to ensure completion of required improvements.

7. All affidavits, certificates, 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.

Application - Final Plat Approval
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 __________________________
FORM 9

COUNTRY 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 office of the Grant County Manager by the subdivider or a designated agent and shall be in compliance with the requirements of the County Subdivision Regulations. Each application must be accompanied by the required administrative fee.

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number


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): _________________________

Application - Summary Review Plat Approval
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 __________________
COUNTY SUBDIVISION REGULATIONS
APPLICATION FOR A VARIANCE

INSTRUCTIONS

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

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number

__________________________________________________________

__________________________________________________________ Signature

Date ____________________

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

__________________________________________________________

__________________________________________________________ Signature

Date ____________________

SUBDIVISION INFORMATION

3. Name of Subdivision____________________________________

4. Reason for Variance (brief description)

__________________________________________________________

__________________________________________________________

5. Attach a copy of the planned development program containing maps, schematics, and a narrative statement describing the full build-out of the proposed development.

PROCEDURAL INFORMATION (To be completed by County Staff)

6. Date application received by County _______ Signed ______________________

7. Date of public hearing ______________________

8. Date of variance approval by County ______________________

Application - Variance

FORMS - Page 48
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 ____________________________

Notice of Appeal