



ORDINANCE NUMBER: 2017-06

Approving the
**ROOSEVELT COUNTY SUBDIVISION
REGULATION ORDINANCE**

WHEREAS, the Board of County Commissioners of each New Mexico county are required by §47-6-9, NMSA to regulate subdivisions within the county's boundaries and shall adopt regulations establishing the county requirements for those matters as described in §47-6-9A(1-20), NMSA.

NOW, THEREFORE BE IT RESOLVED that the attached 2017 Roosevelt County Subdivision Regulations be and the same hereby is adopted as the official Subdivision Regulations for Roosevelt County, New Mexico. Any and all Subdivision Regulations other than those included within the attached 2017 Subdivision Regulations which may have been adopted, used or made available through the County or the County Planning Department are hereby rescinded.

If any part of this Ordinance is held to be unconstitutional, invalid, or otherwise in conflict with the laws of the State of New Mexico, or the United States of America, the validity of the remaining portions of this Ordinance shall not be affected.

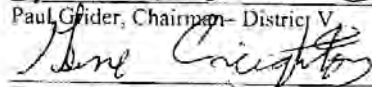
PASSED, APPROVED, and ADOPTED this 5th day of September, 2017.

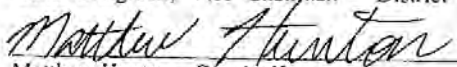
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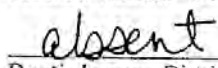

DeAun D. Searl, Roosevelt County Clerk

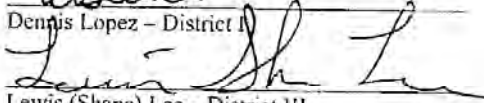
**BODY OF COUNTY COMMISSIONERS
ROOSEVELT COUNTY, NEW MEXICO**

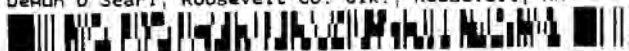

Paul Grider, Chairman - District V


Gene Creighton, Vice Chairman - District IV


Matthew Hunton - District II


Dennis Lopez - District I


Lewis (Shane) Lee - District III



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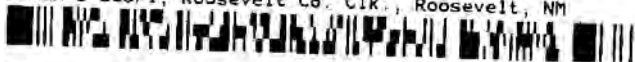
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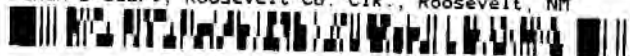
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DeAnn D Searl, Roosevelt Co. Clk., Roosevelt, NM



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ARTICLE 1. GENERAL PROVISIONS

Section 1.1. Title

This regulation shall be known and may be cited as the "2017 Roosevelt County Subdivision Regulation" and shall be referred to elsewhere herein as "these Regulations."

Section 1.2. Authority

This regulation revises Roosevelt County Ordinance Number 97-2 and is regulation created pursuant to the enabling authorities set forth in §47-6-1 et seq. NMSA 1978; §4-37-1 et seq. NMSA 1978; and §3-20-5, 3-20-8, 3-20-6, and § 3-20-9 NMSA 1978.

Section 1.3. Purpose

This Regulation is adopted for the following purposes:

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

Section 1.4. Introduction Statement

Any person who wishes to divide rural property in Roosevelt County New Mexico must comply with this subdivision regulation. The Roosevelt County Clerk's Office will accept no deed or transfer of rural property in Roosevelt County for filing unless accompanied by a document showing that this regulation has been followed and all current and prior year taxes have been paid. After January 1st of each year, a taxpayer shall pay all taxes, penalties, interest and fees due on real property divided or combined through the taxable year in which the property is divided or combined in accordance with New Mexico state statutes, prior to filing a final plat for any Roosevelt County subdivision.



Section 1.5. Jurisdiction

1. This regulation shall govern all subdivision of land not within the boundaries of municipalities but within the County. The County and a municipality shall exercise concurrent jurisdiction over the territory within the platting jurisdiction of both the County and the municipality, as provided in §3-20-5 and 3-20-9 NMSA 1978.
2. The City of Portales and Roosevelt County has concurrent jurisdiction on all subdivisions within three miles of the City's existing boundary. Any and all division of land which is situated within three miles of the City of Portales' boundary is, under the City of Portales' code, a subdivision. Any person, party or entity wishing to subdivide any property that sits or lies within three miles of the City of Portales boundary shall submit the proposal to the City of Portales and Roosevelt County for consideration **prior to** submitting any paperwork to the County Clerk, or the County Assessor's Office regarding any division of property. The County Clerk will not accept for filing any deed that splits or divides a surface area of land into one or more tracts that is situated within more than three miles of the City of Portales boundary until and/or unless the same has been approved by the City of Portales and Roosevelt County until and/or unless the same is accompanied by a written document suitable for filing showing that the division has been approved by the City of Portales and Roosevelt County.

Section 1.6. Interpretation

The provisions of this regulation are held to be minimum requirements. Whenever, any provisions of this regulation conflict with other laws, rules, Regulations, covenants, or Regulations, the more restrictive shall govern. This regulation shall be construed broadly to promote the purposes for which they are adopted. The Planning Department designee 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 Commissioners' decision may be appealed to District Court.

Section 1.7. Attachments

Should the Board of County Commissioners, upon recommendation from the Roosevelt County Planning Department designee, need to supplement this ordinance, they may do so by adopting a revised ordinance. All developer's and persons proceeding under the Roosevelt County Subdivision Regulation shall comply with any and all resolutions that may be attached, from time to time, to this regulation.

Section 1.8. Grandfather Clause

All subdivisions previously approved by the Board of County Commissioners or which have a completed application and all fees paid prior to June 30, 1997, shall not be subject to the provisions of this ordinance, but are subject to the provisions of the previous decision of the Board of County Commissioners, prior statute, case law, or previously applicable subdivision ordinance. However, any further lots added to the approved subdivision and any further splits of existing lots within the approved subdivision will be governed by the terms and conditions of these Regulations.



ARTICLE 2. DEFINITIONS

The below listed definitions, shall apply throughout this regulation. The definitions shall be construed in such a manner so as to further the intent and purpose expressed in this regulation. If the below listed definitions should conflict with any other terms or words in this regulation, then the definitions as herein below set forth shall control.

Absorption field-A subsurface area used for the purpose of distributing the effluent discharged from a tank used as a part of an individual liquid waste disposal system for absorption into the soil.

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

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.

Arroyo-A dry wash or draw that flows only occasionally

Board- The Board of County Commissioners of Roosevelt County or its designee.

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

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

Community sewerage system- A community sewer system including collection and treatment facilities constructed to serve a subdivision.

Community water system- Any existing or proposed water supply system which consists of common storage and/or distribution facilities operated for the delivery of water to multiple service connections.

Community liquid waste system-A liquid waste system which serves more than one household or residence and receives a design flow of more than two thousand (2,000) gallons of liquid waste per day.

Condominium- Real estate, are portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a Condominium unless the undivided interests in the common elements are vested in the unit owners.

Contiguous- Lots are contiguous when at least one boundary line or one lot touches a boundary line or lines of another lot. This refers to adjacent parcels sharing a boundary line or separated only by a local or collector road, right-of-way or easement.



County- County of Roosevelt.

County Clerk- The elected Clerk of the County or the Clerk's authorized representative.

Design criteria-Are standards that set forth specific improvement requirements.

Developer- Any person creating, or having created, a subdivision individually or as part of a common promotional plan, or any person engaged in the sale or lease of subdivided land which is being sold or leased by the owner in the ordinary course of business; however, developer does not include any duly licensed real estate broker or salesperson not acting on personal account.

Disclosure statement- A 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.

Drainage channel- Any depression into which storm water flows along defined contours.

Double penetration asphalt paving- A two layer surface treatment consisting of crushed and screened gravel, rock, or selected material with bituminous material as specified in Section 334 of the New Mexico Standard Specifications for Public Works Construction 1987 Edition.

Dwelling unit- Any building or portion thereof any building which contains a 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 the 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.

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

Engineering interpretation- The evaluation of properties that might affect intended uses

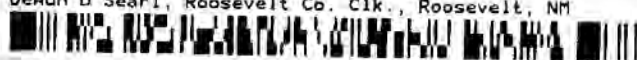
Erosion- Soil movement due to wind or water;

Erosion control structure- Any man-made device preventing or controlling erosion.

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

Floodway- is the channel of the river or stream and the adjacent land that must remain free from obstruction so that the 100-year flood can be conveyed downstream. Development in the floodplain is regulated by local (i.e., city, county or township) ordinances.

Flood fringe- Flood fringe- is the remaining portion of the floodplain which will be flooded by high water from a 50-year frequency storm. Development in the floodplain is regulated by local (i.e., city, county or township) ordinances.



Flood plain- An area susceptible to inundation by water from a 100 year storm or any flood map prepared by the Federal Emergency Management Agency or any other state or federal agency. Development in the floodplain is regulated by local (i.e., city, county or township) ordinances.

Immediate family member- Husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, step grandson, granddaughter, step granddaughter, nephew and niece, whether related by natural birth or adoption.

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 or parts thereof.

Individual liquid waste disposal system- A disposal system which receives waste from one parcel of land or lot. Includes but is not limited to, a septic tank systems and an aerobic disposal system.

Lease- To lease or offer to lease land.

Legal access- For purposes of this regulation, legal access means the unrestricted opportunity to go and return, from a tract of land to an existing public road. If the property is not adjacent to an existing public road, the road furnishing direct access to the property must be shown on the survey and plat, must be or becomes a dedicated road, and must be open to the public. The access must be wide enough for the unobstructed use of.

Lessee- A tenant or any person to whom land is leased.

Lessor- A landlord or any person who leases land to another.

Liquid waste- Domestic wastewater containing human excreta or other water-carried waste.

Lot- See definition of parcel.

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.

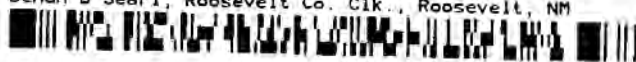
May- When a requirement in these Regulations uses the word "may" instead of "shall"; the requirement will be necessary only if directed by the Board of County Commissioners.

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.

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

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



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

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".

Planning Department his or her designee- The Person responsible for administering these Regulations

Potable ground water- Water contained in sub-surface strata, which meets the drinking water quality standards of the New Mexico Environment Department.

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

Public hearing- A proceeding held by the Board of County Commissioners preceded by notice at which time applicants and other members of the public may be heard on matters listed on the Board's agenda.

Purchaser- Any person who buys land within a subdivision.

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 other public use.

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

Sell-To sells or offers to sell land.

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 disperse the liquid excess into the soil.

Shall- The word "shall" is mandatory and not permissive.

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.

Solid waste- Any solid or semi-solid discarded material which results from household, commercial, industrial, or other operations which is not waterborne in a sewage system.

Street- A public 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 may



be maintained by the County, or may be privately maintained.

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

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.

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.

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

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

Subdivision- Division of a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease, or other conveyance; or for building development, whether immediate or future; 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 NMSA1978, for the preceding three (3) years;
- 2) Sale or lease of apartments, offices, stores or similar space within a building;
- 3) Division of land within the boundaries of a municipality;
- 4) Division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
- 5) Division of land created by court order where the order creates no more than one parcel per party;
- 6) Division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities;
- 7) Division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;
- 8) Division of land to create burial plots in a cemetery;
- 9) Division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member;
- 10) Division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division of land is not the result of a seller-financed transaction;



- 11) Sale, lease, or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
- 12) Division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501 (c) (3) of the United States Internal Revenue Code of 1986, as amended; school, college, or other institution with a defined curriculum and a student body and faculty which conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity; or
- 13) Sale, lease, or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period, provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease, or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey shall be filed with the County Clerk indicating the five (5) year holding period for both the original tract and the newly created tract.

Terrain management- Control of floods, drainage and erosion, and measures required for adopting proposed development to existing soil characteristics and topographic.

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

Tract- The term "tract" is used interchangeably with the term "lot", particularly in the context of a subdivision, where a "tract" is subdivided.

Triple penetration asphalt paving-Into several lots, parcels, sites, units, plots, condominiums, tracts or interests. A three layer surface treatment consisting of crushed and screened gravel, rock, or selected material with bituminous material as specified in Section 334 of the New Mexico Standard Specifications for Public Works Construction 1987 Edition.

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

Type-Three A subdivision- Any subdivision containing not more than four (4) parcels any one of which is less than ten (10) acres in size.

Type-Three B subdivision- Any subdivision containing five (5) parcels or more, but not more than twenty four (24) parcels, any one of which is less than ten (10) acres in size.

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

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

Types of Subdivisions



Type	Number of Parcels	Size of Smallest Parcel
One	500 or more	Less than 10 acres
Two	25 to 499	Less than 10 acres
Three A	2 to 4	Less than 10 acres
Three B	5 to 24	Less than 10 acres
Four	25 or more	10 acres or more
Five	2 to 24	10 acres or more

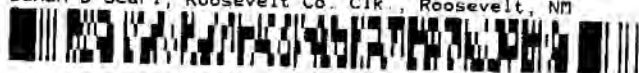
Unit- A distinct subdivision identified as a component of a master plan.

Vacation- The act of rescinding (canceling) all or part of a recorded subdivision plat, including legal descriptions and grants of easements.

Variance- Deviation from these Regulations approved by the Planning Department and the Board of County Commissioners.

Watercourse- Any river, arroyo, creek, stream or other channel having definite banks and evidencing the regular or occasional flow of water.

Water supply system- A system to provide potable water for domestic or commercial use.



ARTICLE 3. APPLICATION OF THIS REGULATION

It shall be unlawful to subdivide any surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lessor 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 regulation has been approved in writing or an exemption, as provided in Article 4 has been obtained.

Any person or entity wishing to divide any property in Roosevelt County is required to comply with any and all mandatory state laws pertaining to the same, including but not limited to laws pertaining to taxes on real property that is divided or combined and laws pertaining to obtaining a permit from the New Mexico State Water Engineer.

ARTICLE 4. EXCEPTIONS

Section 4.1 Exemptions

There are thirteen (13) recognized and established exemptions to this Subdivision Regulation. Transfers of real property that meet any of these thirteen (13) established exemptions do not require full compliance with this Subdivision Regulation. Any transfer of real property, whether it meets one of the thirteen (13) recognized and established exemptions to this Subdivision Regulation or not, must still be filed with a survey or plat and deed and must have legal access and utility easement.

Section 4.2 Types of Exemptions

The exemptions from the Subdivision Regulation, as far as the division of any land in Roosevelt County are:

1. The sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years.
2. The sale or lease of apartments, offices, stores or similar space within a building.
3. The division of land within the boundaries of municipality.
4. The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land.
5. The division of land created by court order where the order creates no more than one parcel per part.
6. The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities.
7. The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased.
8. The division of land to create burial plots in a cemetery.
9. The division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. 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, step grandson, granddaughter, step granddaughter, nephew and niece, whether related by birth or adoption.
10. 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.
11. The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres.



12. 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 § 201 © (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

13. The sale, lease or other conveyance of a single parcel from a tract of land, except from attract 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.

Section 4.3. Submission of Exemption

1. The County shall have standard forms setting forth the thirteen (13) exemptions to the subdivision regulation available to the public. Any person claiming entitlement to an exemption shall complete an exemption form and submit the same to the Roosevelt County Subdivision Coordinator before making the land division for which the claim of exemption is made.

2. Any and all exemption forms to be filed, must be accompanied by a valid deed, survey and/or plat and is a document prepared by a registered, licensed surveyor of New Mexico setting for the legal description of the tract(s) resulting from any division of real property which shall refer to permanent monuments, shall accurately describe each lot, number each lot in progression, provide complete dimensions for all lots, and all lands dedicated for public use or for the use of owners of lots, and sets forth and shows legal access to the property and the location of all necessary and required utilities to the property. Each survey must be signed and show the proper certification or authentication required under New Mexico statutes.

3. If the transfer of real property affected by the exemption has access to or a New Mexico highway, the exemption must be accompanied by a permit from the New Mexico Highway Department showing that said access has been approved.

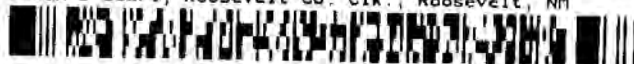
Section 4.4. Verification of Exemption

The Roosevelt County Planning Department 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 forty-five (45) days after receipt of the completed claim of exemption; provided, however, that the forty-five (45) day period shall not begin to run until the person claiming the exemption has delivered a completed Claim of Exemption and all supporting documents to the Roosevelt County Planning Department.

Section 4.5. Denial of Claim of Exemption

If the claim of exemption is denied, the person claiming the exemption may appeal the denial as provided in Article 14 of these Regulations or may submit an application for a subdivision as provided in these Regulations.

Section 4.6. Approval of Claim of Exemption



If the claim of exemption is approved, or if the Roosevelt County Planning Department fails to mail written notice to the claimant within the (ten [10] working days) time allowed; 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.



ARTICLE 5. PROCEDURES FOR SUBDIVIDING PROPERTY

ARTICLE 5. PRE-APPLICATION PROCESS (OPTIONAL)

Section 5.1. Pre-Application Procedure

- 5.1.1. Conference.** For the purpose of expediting applications and reducing subdivision design and development costs, a subdivider may request an informal pre-application conference in accordance with the requirements provided herein. The pre-application conference is intended to provide general advice to the subdivider about the procedures and data requirements for subdivision review and approval in the County.
- 5.1.2. Summary Procedure Conference.** All proposed subdivisions which qualify for approval under the summary procedure provided in Article 6 of these Regulations may begin with a pre-application conference.
- 5.1.3. Scheduling.** At the request of the subdivider, The Planning Department his or her designee 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.
- 5.1.4. Fee.** No fee shall be required for a pre-application conference.
- 5.1.5. Statements Non-Binding.** Neither the subdivider nor the county shall "not" be bound by any statements or determinations made during the pre-application conference.
- 5.1.6. Application/Forms.** At the request of the subdivider, the Planning Department designee shall provide sufficient guidance and application forms for preliminary plat submittal in order to proceed with the County subdivision process and to fulfill the requirements of the New Mexico Subdivision Act

Section 5.2. Pre-Application Data Requirements

- 5.2.1. Sketch Plan.** A sketch plan may be prepared by the subdivider which shows the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area. In addition to the sketch plan and location map, the subdivider may provide the following information:
- A. Name and mailing address of the subdivider and designate agent, if any.
 - B. Name of owner or owners of land to be subdivided.
 - C. Property tax code and accompanying "Jacob's" map from the Roosevelt County Tax Assessor's Office.
 - D. A description of surrounding land uses.
 - E. Accessibility of site to roads and utilities

Section 5.3 Subdivision Applications

Any division of land, which is not covered by the specific exemptions set forth above in Article 4 is deemed to be a subdivision of land and must be in compliance with these Regulations. Any person wishing to subdivide must go to the Roosevelt County Planning Department and pick up a



subdivision application:

All subdivisions in Roosevelt County must meet and satisfy the requirements set forth in this section. A completed subdivision application, together with payment of the appropriate fee must be submitted to Roosevelt County prior to any land being subdivided in Roosevelt County. All taxes on the property to be subdivided must be paid in full and the applicant must obtain a certificate showing the same from the Roosevelt County Treasurers Office as required by Roosevelt County Regulation number (2017-00) refer back to (Section 1.4. Introduction Statement) any person considering subdividing land in Roosevelt County should familiarize themselves with the minimum requirements set forth in this article and New Mexico state laws that pertain to subdivisions, including but not limited to permit and approval of water supplies from the New Mexico State Engineer's Office.

Section 5.4 Types of Subdivisions There are five different types of subdivisions. These are:

Type-one Subdivisions; which contains five-hundred (500) or more parcels with the size of the smallest parcel being less than ten (10) acres.

Type-two Subdivisions; which contains between twenty five (25) and four hundred ninety nine (499) parcels with the size of the smallest parcel being less than ten (10) acres.

Type-three A Subdivisions; which contains between two (2) to four (4) parcels with the size of the smallest parcel being less than ten (10) acres.

Type-three B Subdivisions; which contain five (5) or fewer parcel of land with the size of the smallest parcel being less than ten (10) acres.

Type-four Subdivisions; which contains twenty five (25) or more parcels with the size of the smallest parcel being ten (10) acres or more.

Type-five Subdivisions; which contain two (2) to twenty four (24) parcels with the size of the smallest parcel being ten (10) acres or more.

Section 5.5 Fees

A subdivision application will not be considered nor will it be processed until each and every one of the fees herein below set forth is timely paid.

Preliminary plat:	\$250.00 plus cost of postage
Final plat:	\$250.00 plus \$15.00 per lot
Summary review plat:	\$250.00 plus cost of postage
Variance:	\$100.00 plus cost of postage
Re-plat:	\$250.00 plus cost of postage
Appeal:	\$100.00 plus cost of postage
Claim of exemption:	\$30.00
Statement of vacation:	\$100.00 plus cost of postage
Terrain Management Report:	Roosevelt County Soil and Water conservation District will submit bill directly to the developer.



Section 5.6 Water Right Requirements

The State of New Mexico has enacted and adopted certain laws, rules and Regulations pertaining to verification of and/or obtaining a permit regarding water rights for subdivisions. These various laws may apply to any subdivision. Applicant is advised to familiarize itself with these laws prior to proceeding with any subdivision application in Roosevelt County.

ARTICLE 6. SUMMARY REVIEW PROCEDURES

Section 6.1. Summary Review Procedures

There is available for certain type-three subdivisions, as well as type five subdivisions, a summary review process that does not require the submission of all of the detailed data required for other subdivisions. Subdivider may still be required to obtain a permit or provide documentation to the New Mexico State Engineer's Office regarding water sources or water availability.

6.1.1. Conference Required. A pre-application conference is required before application for summary review and approval. The pre-application process is described in Article 5 of these Regulations.

6.1.2 Qualifications. If a type-three subdivision contains five or few parcels of land, and unless the land within the subdivision has been previously identified in the County's comprehensive plan, as amended or supplemented, or any zoning regulation as an area subject to unique circumstances or conditions that require additional review and/or if a type five subdivision is proposed, the subdivision application shall be submitted to the Roosevelt County Planning Department for approval under Summary Review Process. The following types of subdivisions shall be submitted to the Roosevelt County Planning Department for approval under summary review procedure:

- A. Type three A and Type Three B subdivisions containing five (4) or fewer parcels of land; and,
- B. Type five subdivisions.

6.1.3 Application/fees: On the prescribed form obtained from the Roosevelt County Planning Department, a subdivider shall prepare and submit a summary review application, plat and together with payment of the required fees and administrative fees. All applications for summary review must include a completed final plat and all supporting documentation as required within this regulation. 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, final plat, and supporting documentation, the Roosevelt County Planning Department shall review all materials in order to determine if the preliminary documents are ready to begin the review process. If there are no deficiencies, the preliminary plat will be deemed complete for review by written notice to the subdivider within thirty (30) days after the date of the application. If the preliminary 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 from date of notification to correct the deficiencies and return the summary review plat for consideration. If the additional information is not received by the County within thirty (30) days of the date of the notification, Resubmittal of a new application accompanied by an entirely new subdivision package will be required.

6.1.5. Review and Approval. Summary review plats submitted to the County for approval shall be approved or disapproved by the Board of County Commissioners within thirty (45) working days of the date the summary review plat is deemed complete. The Board of County Commissioners has the authority to approve any subdivision under summary review. Review shall be afforded to all



county and outside agencies listed herein, as the Roosevelt County Planning Department deems necessary to ensure complete review.

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

6.1.7. Failure to Act. If the Roosevelt County Planning Department or his designee 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 (45) 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

For purposes of a Summary Review, the Sub divider shall submit a plat and substantial compliance with the requirements of a preliminary plat hereinafter set forth in full.

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 three hundred (300) feet to one (1) inch or larger and printed on sheets no larger than eighteen (18) by twenty-four (24) inches. The subdivider shall also submit two (2) copies of the summary review plat map and accompanying information. If available, a digital (preferably DXF Format plat) should accompany hard copy plats. Subdivider will be responsible for payment of required filing fees.

A. All final subdivision plats presented for filing shall be drawn on good quality linen or polyester film ("Mylar" or equivalent material) and be accompanied by good quality reproductions of same size. All data and lettering thereon shall be in India ink, sufficiently clear and distinct to permit duplication thereof. The copies shall be on good quality paper with the same restrictions as to size.

B. The subdivider will file an original final plat with the County Clerk. The subdivider shall also submit (15) fifteen paper copies of the final plat map and accompanying information. The original and each copy must not be smaller than 18x24 inches. The drawing itself shall not exceed 18x21 inches. However, in case the property covered is so extensive that it would be impractical for the plat to be drawn to the above size, then it may be drawn on a 26x34 inch sheet. The drawing itself shall not exceed 26x31 inches. There shall also be a blank space not less than 3½x3½ inches on the drawing, in the lower right hand corner, for the impression of the clerk's filing stamp. The plats and maps shall be compatible in size with the areas covered but shall not be less than one (1) inch to three hundred (300) feet. Sheets shall be numbered in sequence if more than one sheet is used.

C. Restrictive covenants shall not be made a part of the plat or dedication but shall be filed and recorded with the County Clerk as a separate instrument.

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

A. The name of subdivision, scale, north arrow, and date;



- B. Permanent monuments, or descriptions and ties to such monuments, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
- C. Tract boundary lines, easement and right-of-way lines, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves;
- D. 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;
- E. The name, right-of-way width, and centerline data of each road or other right-of-way;
- F. The location, dimensions, and purpose of all easements and dedicated public sites;
- G. 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;
- H. The names of owners of contiguous unplatted land;
- I. Delineation of any one-hundred (100)year flood plain any five-hundred (500)year flood plain as designated by the Federal Emergency Management Agency; with base flood elevation for all lots within the flood hazard zone;
- J. The names of the owner or owners of the subdivision, and the developer if other than the owner;
- K. Certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey; and
- L. A legal description indicating the range, township, and section within which the subdivision is located.
- M. Certificates of Approval shall be placed on the face of the plat such as the Board of County Commissioners, Planning Department, and, where the proposed subdivision falls within the planning and platting jurisdiction of a municipality, the City Planning Board and the City Council of such municipality.
- N. Minimum building set-back lines on all parcels.
- O. Statement of agreement by utilities involved as to sizes and locations of utility easements. Minimum width of any utility easement shall be fifteen (15) feet.

6.2.3. Enforcement: A final plat shall not be approved until the subdivider has submitted and the Board of County Commissioners has approved each of the following items as they are applicable to a particular subdivision:

- A. An engineers' certificate that all roads have been constructed in accordance with the approved design plans and County and State Regulations;



- B. Disclosure Statement
- C. Restrictive Covenants
- D. Schedule of Compliance
- E. Phased Development Plan
- F. State Engineer's Opinion
- G. Engineer's Road Plans
- H. Environmental Improvement Division Opinion
- I. Soil and Water Conservation District Opinion
- J. State Highway Department Opinion
- K. Performance Bond, Letter of Credit, or Other Collateral
- L. Financial Statement
- M. Statement of availability and estimated cost to serve customers by the following utility services:
 - 1. Electric
 - 2. Gas
 - 3. Telephone
 - 4. Water
 - 5. Liquid Waste Disp.
 - 6. Solid Waste Disp.
- N. Contracts Conveying Interest (sale or lease)
- O. Advertising Materials
- P. Proof of payment of all property Taxes for the land proposed to be subdivided
- Q. Such other agreements as may reasonably be required by the Board of County Commissioners.

6.2.4. 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 owner and sub divider shall acknowledge the summary review plat, or authorized agents, in the manner required for the acknowledgement of deeds (notarized). Every summary review plat submitted to the County Clerk, as a final plat shall be accompanied by an affidavit of the owner and sub divider, 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.

6.2.5. Dedication: The summary review plat shall contain a statement 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 County Clerk's Office or a resolution of acceptance by the Board of County Commissioners is filed in the County Clerk's Office.

A. Included in each dedication shall be the following: All areas of land shown for public use, including streets and alleys, are hereby dedicated to the public use and title in fee shall vest in Roosevelt County. The Subdivider agrees to construct at his own expense, all roads, streets, driveways, and alleys within, and provide access to, the subdivision in full conformance with the requirements of the Roosevelt County Subdivision Regulations and the approved schedule of compliance and, if required, phased development plan; and to sell or lease parcels only in accordance therewith.

B. The fact that certain roads (streets or alleys) within a subdivision will become public property by virtue of the dedication for public use does not mean necessarily that the roads within the subdivision have been accepted for maintenance by the county. Neither does it follow that the county automatically accepts for maintenance any other land within a subdivision which has been dedicated for public or common use.

C. Acceptance for maintenance of roads within an approved subdivision by the county shall not occur until roads have been completed in full compliance with county Regulations and subdivider's registered professional engineer has certified by affidavit to the Board of County Commissioners that such roads have been constructed in accordance with approved design plans.

D. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the County Clerk's Office pursuant to these Regulations or a resolution of acceptance by the Board of County Commissioners is filed in that Office.

6.2.6. Disclosure statement: For all subdivisions containing three (3) or more parcels, a disclosure statement shall be prepared in accordance with the standardized format provided by the County. It is unlawful to sell, lease or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners and the Attorney General's Office; and until the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

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

6.2.8. 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. PRELIMINARY PLAT

Section 7.1. Mandatory Improvements

Property to be divided which does not meet one of the specified exemptions requires the submission of a preliminary plat. No preliminary plat will be accepted by Roosevelt County nor will a final plat be approved and accepted by Roosevelt County until and unless all of the mandatory improvements, developments, plans and specifications, as required throughout these Regulations, have been met. The applicants are referred to the provisions herein pertaining to liquid and solid waste disposal, water use and conservation procedures and to the advertising and disclosure requirements set forth herein.

Section 7.2. Required Improvements

7.2.1 Improvement requirements. 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, which are required by these Regulations in the manner and to the design and construction Standards provided in these Regulations. These plans shall be reviewed by the Roosevelt County Planning Department and Roosevelt County Road Superintendent, , if in accordance with these Regulations, shall be approved by the County, allowing the subdivision development to proceed.

7.2.2 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 7.3. Improvement Guarantees

7.3.1 Assurance. In order for the County to be assured of the completion of required improvements, the subdivider shall complete installation of the required improvements before the approval of the final plat, or:

- A. Complete installation of the required improvements **before** approval of the final plat; or
- B. Assure construction of required improvements after final plat approval.

7.3.2 Alternatives. Roosevelt County is under no obligation and as a general rule, will not approve any subdivision, or approve any plat unless adequate assurances are provided that all required improvements will in fact be completed prior to the submission and approval of the final plat. If the subdivider wishes to submit the final plat for review, approval, and recording before completion of required improvements, the subdivider shall post a suitable improvements guarantee in an amount approved by the County. The guarantee shall be not less than One-hundred and twenty five percent (125%) of the estimated cost of the required improvement. This guarantee may be cash or surety bond, letter of credit, escrow deposit, or other method acceptable to the County.

7.3.3 Time Limits. Any extension granted for the completion and or satisfaction of improvements or any other extension shall not, and under no circumstances, exceed twelve (12) consecutive calendar months after the date on which the preliminary plat or final plat is approved. If, the improvements or other requirements have not been fully completed within said twelve (12) month extension, then the Board of County Commission may elect to either revoke or rescind the final plat and or may proceed with completion of the improvements any and all costs or expenses associated with either the revocation or recession of the preliminary plat or the final plat and/or with the completion of any required improvements shall be satisfied from the guarantee posted by the developer. Any such guarantee, other than cash, must clearly state that it is subject to the County for satisfaction of said expenses.



If the amount of the guarantee is insufficient to cover the cost and expenses incurred by the County, developer shall be responsible for the same. If, after the expenses to County are fully and completely paid, there remains any balance due, County shall remit said sums to developer and or notify the assured that all amounts have been so satisfied.

Section 7.4. Preliminary Plat Submittal

Any person or individual wishing to subdivide land shall submit, together with the application, and appropriate fees, a preliminary plat that meets the minimum requirements and contains the minimum data, set forth in this article.

7.4.1 Preliminary Plat Required. Preliminary plats shall be submitted for Type One, Type Two, some Type Three B, and Type Four subdivisions. Type Three A and all Type Five subdivisions are subject to review under the summary procedure set forth in Article 6 of these Regulations.

7.4.2. Application/Fees. A subdivider shall prepare a preliminary plat and supporting documentation in accordance with the requirements provided in these Regulations. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the Planning Department and upon payment of the required administrative fees.

7.4.3. Plat Deemed Complete. On receipt of the application, fees, preliminary plat, and supporting documentation, the Planning Department shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat is deemed complete for review by written notice to the subdivider within thirty (30) 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 sixty (60) days of the date of the notification, resubmittal of a new application accompanied by an entirely subdivision package be required.

Section 7.5. Agency Review

7.5.1 Plat Transmittals. Within ten (10) working days after the date that the preliminary plat is deemed complete, the Planning Department may if deemed necessary to 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:

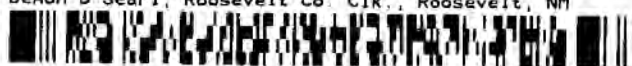
A. New Mexico State Engineer Office, to determine:

(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/her disclosure statement concerning water, excepting water quality.

B. New Mexico Environment Department, 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);

(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) and the Solid Waste Act (Section 74-9-1 NMSA 1978); 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. New Mexico Highway and Transportation Department, to determine whether the subdivider can fulfill state highway access requirements in conformity with state Regulations promulgated pursuant to Section 67-3-16 NMSA 1978.

D. Soil and Water Conservation District in which the proposed subdivision is located, to determine: (1) whether the subdivider can furnish 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. Any other public agencies the county considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.

Section 7.6. Preliminary Plat Data Requirements

7.6.1 Purpose. At a minimum, the supporting documentation required for the preliminary plat review shall provide sufficient information for the County to determine at the time of approval that:

- a. proof of a service commitment from a water provider and an opinion from the State Engineer that the subdivider can fulfill the requirements of Paragraph 1 of Subsection F of Section 47-6-11, NMSA 1978 or acquire sufficient water rights through a permit issued pursuant to Section 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 if irrigation water rights are pertinent to the land has been severed or, containing ten or more parcels, any one of which is two acres or less in size;
- b. water is sufficient in quality to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
- c. water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination;
- d. there is a means of liquid waste disposal for the subdivision;
- e. there is a means of solid waste disposal for the subdivision;
- f. there is satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel;
- g. terrain management protection against flooding, inadequate drainage and erosion;
- h. there are protections for cultural properties, archaeological sites and un- marked burials that may be directly affected by the subdivision, as required by the Cultural Properties Act;
- i. the subdivider can fulfill the proposals contained in the disclosure statement for the subdivision; and;



j. the subdivision will conform with the New Mexico Subdivision Act and these Regulations.

7.6.2 Minimum documentation. Supporting documentation shall, at a minimum, include a statement from the subdivider that all of the requirements set forth in Section 6.2.1 have been met, or will be met, in a manner described in the preliminary plat, within the subdivision.

- A. Water supply plan including water quantity demand, conservation, water quality, and fire protection components.
- B. Liquid waste disposal plan.
- C. Solid waste disposal plan.
- D. Documentation of legal status, and general description of condition of the accessibility of site to roads and utilities.
- E. Terrain management plan.
- F. Cultural properties protection.
- G. Disclosure statement.

7.6.3 Filing specifications. The subdivider shall submit fifteen (15) copies of the preliminary plat and supporting documentation for local review and distribution to public agencies and, if available, a digital (preferably DXF format) plat should accompany hard copy plats. Preliminary plat maps shall be prepared at a scale of two-hundred (300) feet to one (1) inch or larger, and printed on sheets no larger than twenty-four by thirty-six (18 x 24) inches. Sheets shall be numbered in sequence if more than one sheet is used.

7.6.4 Map specifications. The preliminary plat map shall show the following:

- a. title, scale, north arrow, and date;
- b. existing topography and any regarding plans, indicating contour intervals sufficient for planning purposes;
- c. existing and proposed boundary lines, in bearings and distances, for the sub-division;
- d. proposed lot lines, with lot and block numbers, and approximate acreage of each lot; and addresses assigned by the Roosevelt County Rural Addressing Office;
- e. the location, dimensions, and purpose of existing and proposed easements;
- f. names and right-of-way widths of existing and proposed streets on and adjacent to the subdivision;
- g. existing and proposed utilities on and adjacent to the site;
- h. locations, dimensions, and purpose of any land to be dedicated to the public use, including any improvements to be made to that land;



- i. location of subdivision in relation to well-known landmarks;
- j. location of archaeological, historical, or culturally significant features on the site;
- k. delineation, if applicable, of any 100-year flood plain and 500-year flood plain as designated by the Federal Emergency Management Agency;
- l. names and addresses of the owner or owners of land to be subdivided, the sub divider if other than the owner, and the land surveyor; and
- m. legal description indicating the range, township, and section lines within which the subdivision is located.

7.6.5 Disclosure statement. The preliminary plat shall be accompanied by (15) fifteen draft disclosure statements in accordance with the standardized format provided in Appendix C of these Regulations. The purpose of the disclosure statement is to permit the prospective purchaser, lessee, or any other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease, or other conveyance of the land.

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

Any and all preliminary plats shall disclose the existence and location of any cultural properties, archeological sites and/or unmarked burial sites that are on the property.

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 subdivider's shall comply with the requirements of §18-6-11.2 NMSA1978, 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

7.7.3 If the proposed subdivision is within one-thousand (1000) yards of a known archaeological site, the subdivider shall perform a cursory survey to determine that the proposed subdivision does not contain any cultural properties, archaeological sites and/or unmarked burials. The sub divider must provide the County with documentation indicating the results of the survey.

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



B. If any such properties entered in the register exist within the boundaries of the proposed subdivision, the subdivider shall provide a signed affidavit to that effect in the application package for subdivision approval. The county will then consult with the Historic Preservation Division pursuant to the Cultural Properties Act 18-6-1 through 18-6-17 NMSA 1978.

Section 7.8. Water Quality

The water quality provisions of this ordinance does not authorize, allow or permit subdivision of land without compliance of any and all New Mexico statutes and New Mexico State Engineer's requirements pertaining to water, water rights, water quality or water permitting.

7.8.0. Water Quality, Liquid and Solid Waste Disposal

Definitions. Apply only to these water qualities, liquid and solid waste disposal guidelines:

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

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

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

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

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

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

Conventional disposal 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.

Degrade 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 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. It is generally governed by Regulations, standards, codes, and accepted references.

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 authorized to practice professional engineering in the State of New Mexico.



Flood plain - any area, that which will be inundated by high water from a one hundred (100) year frequency storm.

Ground water - 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 other agents, Which under such conditions that they may adversely impact human health.

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 is subject to the Liquid Waste Disposal Regulations.

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

Liquid waste disposal system - A component of a liquid waste system, which disposes the discharge from a liquid waste treatment system.

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

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

Net lot size - the area of a lot 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

Percolation rate - The rate in which water enters the soil. It is determined from a standard percolation test performed on the soil at the depth of the proposed soil absorption system.

Potential source of contamination - Any source which could release substances, resulting in the degradation of a body of water and a hazard to public health.

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

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

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

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.



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.

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

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

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

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

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

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

7.8.1 Water Quality Documentation. (For all Type-one, Type-two, and Type-four Subdivisions, and all Type-three and Type-five Subdivisions Containing Six or more Parcels.) For a subdivider to document conformance with the water quality requirements of these guidelines, New Mexico statutes including the New Mexico Subdivision Act, a water quality documentation package shall accompany the preliminary plat submittal.

A. The water quality documentation package shall:

1. State the subdivider's name and mailing address;
2. State the date the package was submitted;
3. State the subdivider's proposal for meeting the water quality requirements of these guidelines;
4. Be accompanied by a copy of the section of the sub divider's disclosure statement on water quality;
5. Be accompanied by the information listed in Subsections B, C or D of this section as applicable to the water supply proposal; and
6. Be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these guidelines.

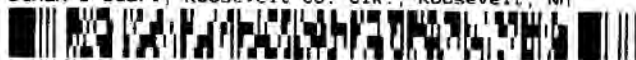
B. If a new public water supply system is proposed, the following information shall be submitted as part of the water quality documentation package:



1. A water quality analysis of a representative water sample for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, lead, mercury, nickel, nitrate, nitrite, selenium, thallium, alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity and zinc;
 2. For areas where contamination of the proposed source water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in **Section 3** of these guidelines as may be required;
 3. The location and description of the source of water sampled for the water quality analysis;
 4. An engineer's report and preliminary plans for the proposed public water supply system;
 5. Maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one-thousand (1,000) feet of the proposed water supply system source.
- D. If private water supply systems are proposed, the following information shall be submitted as part of the water quality documentation package:
1. A water quality analysis of a representative water sample for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, lead, mercury, nickel, nitrate, nitrite, selenium, thallium, alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity and zinc;
 2. For areas where contamination of the proposed source water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in **Section 3** of these guidelines as may be required by the State Environment Department;
 3. The location and description of the source of water sampled for the water quality analysis;
 4. Preliminary plans for the private water supply systems if the system will serve more than one (1) connection; and
 5. Maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within five-hundred (500) feet of the proposed subdivision boundaries.
- E. Documentation of approval for the construction or modification of a public water supply system from the New Mexico Environment Department will be required for final plat approval.

7.8.2 Water Quality Requirements. (For all Type-one, Type-two, and Type-four Subdivisions, and all Type-three and Type-five Subdivisions Containing Six or More Parcels.) Conformance with the water quality requirements of this section is required for preliminary plat approval.

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



Mexico Environmental Department (NMED).

- B. The level of a contaminant in water, which is delivered to any user of a public or private water supply system, should not exceed the secondary maximum contaminant level (SMCL) recommended by the NMED.
- 1. If the level for any of the contaminants exceeds the SMCL allowed by the NMED, the sub divider 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 to SMCL.
- C. A water supply source shall not be located at less than the setback distances allowed by the NMED.
- D. The disclosure statement for the subdivision shall contain a statement describing the quality of water available for domestic use within the subdivision.



Table 4.-- PRIMARY (HEALTH RELATED) CONTAMINANTS Inorganic (IOC) Microbiology

<u>Contaminant</u>	<u>MCL</u>	<u>Contaminant</u>	<u>MCL</u> Antimony
0.006 mg/l	Giardia lamblia (d)	TT(e)	TT(e)
Arsenic 0.05 mg/l	Legionella (d)	TT(e) Asbestos	7 MFL (a)
Standard plate count (d)	TT(e) Barium	2 mg/l	Total coliforms
Absent Beryllium	0.004 mg/l	Turbidity (d)	PS(f)
Cadmium	0.005 mg/l	Viruses (d)	TT(e)
Chromium (total)	0.1 mg/l	Disinfection Byproduct	
Copper 1.3 mg/l	<u>Contaminant</u>	<u>MCL</u>	
Cyanide	0.2 mg/l	Total trihalomethanes	0.10 mg/l
Fluoride	4.0 mg/l	Volatile Organic (VOC)	
Lead	0.015 mg/l	<u>Contaminant</u>	<u>MCL</u>
Mercury (inorganic)	0.002 mg/l	Benzene	0.005 mg/l
Nickel 0.1 mg/l	Carbon tetrachloride		0.005 mg/l
Nitrate (as N)	10 mg/l	Dibromochloropropane	0.0002 mg/l
Nitrite (as N)	1 mg/l	o-Dichlorobenzene	0.6 mg/l
Nitrate+Nitrite (both as N)	10 mg/l	p-Dichlorobenzene	0.075 mg/l
Selenium	0.05 mg/l	1,2-Dichloroethane	0.005 mg/l
Thallium	0.002 mg/l	1,1-Dichloroethylene	0.007 mg/l
Radionuclide		cis-1,2-Dichloroethylene	0.07 mg/l
<u>Contaminant</u>	<u>MCL</u>	trans-1,2-Dichloroethylene	0.1 mg/l Gross
α particle activity (b)	15 pCi/l	Dichloromethane	0.005 mg/l



TABLE 4.- PRIMARY (HEALTH RELATED) CONTAMINANTS (continued)

VOC(continued)	SOC (continued)		
Contaminant	MCL	Contaminant	MCL
Radium-226 & -228 @	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
Monochlorobenzene	0.1 mg/l	Di (2-ethylhexyl) phthalate	0.006 mg/l
Styrene	0.1 mg/l	Dinoseb	0.007 mg/l
Tetrachloroethylene	0.005 mg/l	Diquat	0.02 mg/l
Toluene	1 mg/l	Endothall	0.1 mg/l
1,2,4-trichlorobenzene	0.07 mg/l	Endrin	0.002 mg/l
1,1,1-trichloroethane	0.2 mg/l	Glyphosate	0.7 mg/l
1,1,2-trichloroethane	0.005 mg/l	Heptachlor	0.0004 mg/l
trichloroethylene	0.005 mg/l	Heptachlor epoxide	0.0002 mg/l
Vinyl chloride	0.002 mg/l	Hexachlorobenzene	0.001 mg/l
Xylenes (total)	10 mg/l	Hexachlorocyclopentadiene	0.05 mg/l
Synthetic Organic (SOC)		Lindane	0.0002 mg/l
Contaminant	MCL	Methoxychlor	0.04 mg/l
Alachlor	0.002 mg/l	Oxamyl (Vydate)	0.2 mg/l
Atrazine	0.003 mg/l	Pentachlorophenol	0.001 mg/l
Benzo[a]pyrene	0.0002 mg/l	Picloram	0.5 mg/l
Carbofuran	0.04 mg/l	Polychlorinated biphenyls	0.0005 mg/l
Chlorodane	0.002 mg/l	Simazine	0.004 mg/l
2,4-D	0.07 mg/l	2,3,7,8-TCDD (Dioxin)	3x10-8 mg/l
Dalapon	0.2 mg/l	Toxaphene	0.003 mg/l



Di(2-ethylhexyl)adipate

0.4 mg/l

2,4,5-TP

0.05 mg/l

Notes to Table 4:

Million Fibers longer than 10 μ 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 1.0NTU



TABLE 5.-- SECONDARY (ESTHETIC RELATED) CONTAMINANTS

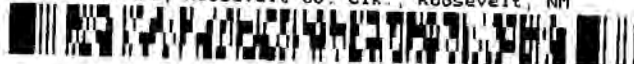
<u>Contaminant</u>	<u>SMCL</u>	<u>Contaminant</u>	<u>SMCL</u>
Aluminum	0.05 to 0.2 mg/l	Manganese	0.05 mg/l Chloride
250 mg/l	Odor	3 TON Color	15 CU pH 6.5 to
8.5			
Copper 1.0 mg/l	Silver	0.1 mg/l Corrosivity	Non-corrosive
Sodium	100 mg/l (a) Fluoride	2.0 mg/l	Sulfate 250 mg/l
Foaming Agents	0.5 mg/l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

Notes to Table 5:

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

TABLE 6. -- SETBACK DISTANCES FOR WATER SUPPLY SOURCES

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



Section 7.9. Liquid Waste Disposal

7.9.1 Liquid Waste Disposal Documentation For all Type-one, Type-two, and Type-four Subdivisions, and All Type-three and Type-five Subdivisions Containing Six or More Parcels.) For a subdivider to document conformance with the liquid waste disposal requirements of these guidelines and the New Mexico Subdivision Act, a liquid waste disposal documentation package shall accompany the preliminary plat submittal.

A. The liquid waste disposal documentation package shall:

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

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

1. An engineer's report and preliminary plans for the proposed community liquid waste system;
2. Maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed liquid waste treatment and liquid waste disposal site; and,
3. Documentation of the filing of a "Notice of Intent to Discharge" with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.

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

1. A statement of availability of liquid waste service signed by an official of the existing liquid waste system; and
2. An engineer's report and preliminary plans for the proposed extension to the existing liquid waste system.

D. If the sub divider proposes individual liquid waste systems, the following: information shall be submitted as part of the liquid waste disposal documentation package:

1. A soils investigation report (soil survey, soil borings to a minimum depth of either (8) feet, soil test results and analysis of the soil survey, soil boring, and soil tests) defining soil depth to bedrock seasonal high water ground water table or other limiting soil layer, and percolation rate



for the soils present within the proposed subdivision;

2. Maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries;

3. A liquid waste system feasibility map, superimposed on the subdivision plat, delimiting the areas of suitable, limited, and prohibitive solid categories as described in Table 5-2; and

4. Preliminary plans for the individual liquid waste systems if a system will serve more than one (1) connection.

E. Documentation of approval for the discharge from a community liquid waste system from the New Mexico Environment Department will be required for final plat approval.

7.9.2 Liquid Waste Disposal Requirements. (For All Type-one, Type-two, and Type-four Subdivisions, and All Type-three and Type-five Subdivisions Containing Six or More Parcels.) Conformance with the liquid waste disposal requirements of this section is required for preliminary plat approval.

A. Community liquid waste systems.

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

2. The subdivider shall disclose and covenant that all lots within the subdivision must connect to the community liquid waste system at the time of occupancy.

B. Individual liquid waste systems.

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

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

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

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

Section 7.10. Solid Waste Disposal Documentation

A. The solid waste documentation package shall state that:

1. There are or are not private contract pick-up services available, and

2. The location of the nearest solid waste facility and the distance in miles from the subdivision to the solid waste facility.

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DeAnn D Searl, Roosevelt Co., Clerk, Roosevelt, NM



Section 7.11. Water Conservation Measures

The following water conservation measures shall apply to all subdivisions:

1. Water-saving fixtures shall be installed in all new residences and non-residential buildings. Water-saving fixtures shall include, but not are limited to, low-flush toilets, low flow showerheads, low-flow faucets, and insulation of hot water pipes, and shall be metered. Water produced from each well in a community water system or at each surface water source shall also be metered and the volume thereof reported to the State Engineer's Office.
2. Water distribution mains shall be pressure tested in accordance with New Mexico Standard Specification for Public Water Construction, Section 801.16.
3. If not required by the local plumbing code, where water pressure at the customer service connection exceeds eighty(80) pounds per square inch (psi), a pressure-reducing valve shall be installed on the service connection.
4. 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.
5. Low water use landscaping techniques applying the principals of xeriscaping shall be utilized.

Section 7.12. Quantification of Annual Water Requirements

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

1. The maximum annual water requirement for both indoor and outdoor purposes, for each parcel in a residential subdivision shall be 1.0 acre-feet per year. The total annual water requirement for the subdivisions in acre-feet per year is computed by multiplying the number of parcels by 1.0 acre-feet per
2. The sub divider, may at his option, or if required by the county, prepare a detailed water demand analysis using the step by step computational procedure presented in the relevant State Engineer Technical Report.
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.

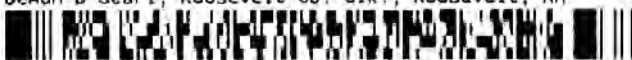
Section 7.13. Water Availability Assessment.

For All Type-one, Type-two and Type-four Subdivisions, and All Type-three and Type-five Subdivisions Containing Six or More Parcels:

It is not the intent to require the subdivider to guarantee the life expectancy of the water supply. By its approval of any subdivision, the Board of County Commissioners does not, in any way, guarantee the life expectancy of the water supply.

Section 7.13.1.a Water Availability Assessment

For All Type-one, Type-two, Type-three, Type-four and Type-five Subdivisions Containing More than Five Parcels:



A. A water availability assessment shall be submitted by the subdivider:

1. As a condition of preliminary subdivision plat approval for all type-one, type-two, and type-four subdivisions; and type-three subdivisions when a community water system is proposed containing six (6) or more parcels.
2. As a condition of final subdivision plat approval for type-five subdivisions when a community water system is proposed containing six (6) or more parcels.

B. The requirements of the water availability assessment are dependent on the source of water supply such that:

1. For subdivisions where the source of water will be a new groundwater diversion and community system permitted pursuant to Section 72-12-3 or 72-12-7 NMSA 1978, the subdivider shall demonstrate a 40-year supply, and shall submit a geo-hydrologic and/or hydro geologic report in accordance with Subsection C.
2. For subdivisions where the source of supply will be a new surface water diversion and community system permitted pursuant to Section 72-5-1, 72-5-23, or 72-5-24 NMSA 1978, the subdivider shall submit a hydrologic report in accordance with Subsection D.
3. For subdivisions where the source of supply will be an existing community or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, or 72-5-24 NMSA 1978, the subdivider shall submit a hydrologic report in accordance to Subsection E.
4. For subdivisions where the source of water will be individual domestic wells, or shared wells permitted pursuant to Section 72-12-1, the subdivider shall demonstrate a reasonable water plan.

C. For new community wells and water systems, the subdivider shall submit a water supply plan and geohydrology report, which meets the following requirements:

1. Geohydrology reports shall make a reasonable estimate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development of a continuous period for 40 years. These analyses shall take into account the production of existing wells and shall demonstrate that the subdivision wells, as proposed or as designed, will be capable of producing the full annual demand for at least forty (40) years.
2. The subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivisions to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on nearby wells. Alternately, tests can be conducted on near off-site wells if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.
3. The assessment shall include a forty (40) year calculated schedule of effects on the proposed subdivision's production wells, which may result from existing demands and from the increase of groundwater withdrawals from the subdivision. Analyses shall be performed to assess whether further water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C (4). Predicted drawdown shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses.



4. The subdivider shall calculate the lowest practical pumping water level in the proposed subdivision pumping wells by any of the following methods as appropriate, provided there shall be no presumption made as to additional available water below the bottom of the proposed production well, and further provided that the total available drawdown shall be reduced by a factor of twenty percent (20%) as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements. Incases where more than one of the following methods may be applied, the method resulting in the most conservative estimate (lowest allowable drawdown of highest practical pumping level) shall govern.
- a. By using the results of acceptable on-site aquifer pump tests. The lowest allowable pumping level may be the lowest water level reached during the test.
 - b. By setting the level at the top of the uppermost screened interval.
 - c. In wells completed in fractured bedrock aquifers, the lowest practical pumping water level may be above the top of the fracture zone.
 - d. In wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to 70% of the initial water column.
5. The geohydrology report should present all hydrologic information pertinent to the study area including that available from past geohydrology studies. All sources of information used in the report should be identified including basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps, and cross-sections shall be included.
- D. For new surface water diversions and community water systems using surface water, the sub divider shall submit a hydrologic report, which meets the following requirements.
1. The hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the subdivision is physically available. These analyses shall include the following:
 - a. Narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long- term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to groundwater diversion, analyses of relevant historical runoff records, and projected water supply available for the subdivision requirements. Applicable legal or water rights constraints on water availability shall be considered.
 - b. If the analysis for the historical runoff record indicates possible shortages in the projected water supply available for the subdivision requirements, the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
 - c. If the supplemental groundwater supply is proposed, the sub divider shall prepare a geo-hydrologic assessment in accordance with Subsection C.
 - d. For community water systems in which existing utility companies are proposed as the source or water supply, the subdivider shall submit a water supply plan, which meets the



following requirements:

2. For all water utilities:

a. Name of the utility proposed as a source of supply. A letter of intent from the utility company, that they are ready, and willing, and able to provide the maximum annual water requirements for the subdivision for at least 40 years. The letter must also state any requirements for the sub divider to provide water rights.

3. For water utilities other than municipal-owned water utilities.

a. Documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the proposed subdivision for a period no less than 40 years.

b. For New Mexico Public Utilities Commission (PUC) certificated utilities, a copy of the most recent annual report submitted to the PUC.

c. Plans for the existing water system to which the proposed system will tie into. The plans shall show diversion point locations, and water storage and distribution systems. The size or capacity of the water system components should also be indicated on the plans.

d. Any other information, including any or all of the requirements of subsections C or D, required by the Board of County Commissioners to make a determination that the utility has the capability to meet the water requirements of the proposed subdivision.

f. If the subdivider proposes that the source of water shall be individual domestic wells or shared wells to be approved by the State Engineer pursuant to section 72-12-1 NMSA 1978, the subdivider shall submit water availability assessments as follows:

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

5. A statement of the maximum and minimum depths to water in the subdivision and the basis for these statements;

6. A statement of the estimated yield of wells in gallons per minute based upon well logs from existing wells within one mile of the proposed subdivision boundary, which shall include the range of yields encountered in those wells.

7. Any additional information which is required by the State Engineer's Office and the Board of County Commissioners 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 contained in his/her disclosure statement, concerning water, excepting water quality. For subdivisions containing more than six (6) lots, in locations which the State Engineer has determined that geo-hydrologic 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 geo-hydrologic report conforming to the requirements of subsection C of these Requirements.

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DeAnn D Searl, Roosevelt Co. Clerk, Roosevelt, NM



Section 7.14. Community Water System Requirements

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

- A. A community water system shall be required for all subdivisions where any one of the following criteria are met:
1. The subdivision will contain twenty-five (25) or more parcels, any of which is equal to or less than two (2) acres.
 2. For all subdivisions containing twenty-four (24) or less parcels, or subdivisions containing twenty-five (25) or more parcels in which the minimum parcel size is greater than two (2) acres, where groundwater would be supplied from geologic formations where wells have been determined to produce at a rate of 2.0 gpm, or less. Or where, available information suggests the likelihood of low yielding wells. In lieu of a community water system, individual or shared wells may be drilled by the developer, provided that it can be demonstrated that production can be sustained at rates equal to or greater than 3 gpm, and is adequate to meet the maximum annual water requirements of all parcels. A constant rate pumping test with a minimum duration of one-thousand four-hundred and forty (1440) minutes shall be used to determine the well production rates. Pump test data shall be submitted by the well driller with the sub divider's plans.
- B. If water will be supplied from a community water system, the sub divider 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, and wells and water storage and distribution systems, 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.
- C. Shared well systems, permitted under Section 72-12-1 NMSA may be allowed subject to subsection B, under the condition that the maximum number of parcels served by one well shall not exceed four parcels, and the maximum annual water use for all parcels served by one shared well shall not exceed 3.0 acre-feet. That amount allowed for shared domestic wells are limited by NMAC 19.27.5.9 to One (1) acre foot per household, up to a maximum of 3 acre feet per year. So if only two households are on a well the amount is 2 acre feet per year.
- D. Covenants and land use restrictions shall be adopted strictly prohibiting the drilling or use of individual and/or shared domestic wells for any subdivision which requires or utilizes a community water system.
- E. If a community water system is proposed or required, the developer should consult with the New Mexico Public Utilities Commission regarding the applicability of the Public Utility Act to that community water system.



Section 7.15. Fire Protection

A. Requirements for Provision of Fire Protection

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

B. Standards for Fire Protection

The subdivider's fire protection facilities shall conform to the guidelines provided by the Insurance Service Offices (ISO), and to applicable County Fire Regulations and shall meet the following minimum requirements:

1. The required storage for fire protection shall equal thirty thousand(30,000) gallons or other required minimum specified by ISO. Amounts deliverable by tanker, as estimated by the local fire authority may be included in the fire protection plan, but shall not be credited towards the ISO storage requirement.
2. The fire protection system shall be capable of delivering a minimum of five-hundred (500) gallons per minute to the fire at a residual pressure of twenty (20) pounds per square inch or as required by ISO.
3. Fire hydrant spacing shall not exceed a distance of one-thousand (1,000) feet measure along the roadway, and individual hydrants shall not be located more than five-hundred(500) feet from each parcel.
4. Fire protection requirements may be waived or modified by the Board of County Commissioners subject to review of the sub divider's request by the fire authority having jurisdiction. The sub divider shall provide a letter to the Board of County Commissioners from the fire authority having jurisdiction with their comments on the waiver request.

C. Fire Protection Plan

1. A fire protection plan shall be a condition of preliminary plat approval for subdivisions with more than one hundred (100) lots and with community water systems.
2. For all subdivisions with fire protection, the subdivider shall submit a plat of the proposed subdivision, preliminary plans of the proposed subdivision, preliminary plans of the proposed water supply, storage and distribution systems, and calculations demonstrating that the proposed fire protection facilities will meet the requirements of this appendix, 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, the sub divider shall provide a letter from the local fire authority having jurisdiction that states:

D. rate in gallons per minute that water may be delivered to the fire by tanker service from the fire authority, if applicable; and



- E. A distance and anticipated time of travel to the fire.

Section 7.16. Terrain Management Plan

A. The Board of County Commissioners may approve a terrain management plan if it determines that:

1. The plan conforms to the requirements of the New Mexico Subdivision Act and the Roosevelt County Subdivision Regulations.
2. The subdivider can fulfill the proposals for terrain management contained in his disclosure statement; and
3. The plan and disclosure statement have been reviewed by the "local district" and recommendations with regard to the propriety of the same have been received.

B. Terrain management plans for subdivisions Type One, Two, and Four shall state the subdivider's name and mailing address, the date the plan is submitted, and be accompanied by a copy of the sub divider's disclosure statement and a schedule of compliance for meeting Roosevelt County Subdivision Regulations. In addition, the terrain management plans shall contain:

1. Maps including the following information:
 - a. a vicinity map drawn to a scale or not more than 2,000 feet to one inch showing a minimum of two (2) contours at ten-foot intervals or less (**Refer to USGS 7.5 Minute Topographic Quadrangle map of subdivision area**), the relationship of the site to its general surroundings, and the location of all existing drainage channels, water and erosion control structures, watercourses and water bodies within three (3) miles of the subdivision;
 - b. a subdivision map drawn to a scale of no more than 300 feet to one inch showing:
2. The boundaries of the area to be subdivided;
3. At least two (2) existing contours at five-foot intervals certified by a registered professional engineer; licensed in New Mexico.
4. an overlay showing the location of all proposed lots, roads, bridges, water and erosion control structures, and utility easements in relation to the existing contours;
5. An overlay showing the finished contours of the subdivisions after the sub divider's proposals have been implemented using contours at five-foot (5') intervals;
6. The location of all cuts and fills;
7. The location of all buffer strips, drainage channels, watercourses, water bodies, floodways, floor fringes and flood plains;
8. The location of all area with slopes over 8% and all wooded areas;
9. The location of all areas in which the sub divider intends to re-vegetate.
10. The location of all areas in which the sub divider intends to preserve vegetation.

C. A soil survey for the subdivision including an overlay of the various soil types drawn to the scale of the subdivision map showing the location of each different soil type;



D. A surface drainage description including:

1. Storm drainage computations showing the estimated runoff from the subdivisions prior to and following completion of development;
2. Sufficient runoff information on the areas contribution runoff to the subdivision to show existing drainage patterns and drainage channels that may affect the subdivision or be affected by the subdivision; and,
3. All appropriate design details necessary to clearly explain the construction of all necessary water control structures.

4. A subsurface drainage description including:

- a. an overlay drawn to the scale of the subdivision map location areas where the season high water table is:

- i. between four (4) and twelve (12) feet of the ground;
- ii. within four (4) feet of the ground surface.

- b. all appropriate design details necessary to clearly explain the construction of all subsurface structures;

5. The type of utilities to be provided as well as a statement indicating whether or not the utilities are to be installed above ground or underground;

6. A general grading proposal setting forth the means for stabilizing all cut and fills slopes;

7. An estimated schedule of construction including:

- a. the start and finish of all clearing and grading operations;
- b. duration of exposure of disturbed areas;
- c. stabilization date for disturbed areas;
- d. installation date of storm drainage systems;
- e. installation date for all roads;
- f. surfacing date of roads and parking areas;
- g. installation date of each utility to be provided; and,
- h. installation dates for homes, recreation structures and other community improvements.

8. The legal description of the subdivisions; including the range, township, and section within which the subdivision is located where such information is available; and,

9. The number of parcels within the subdivision and the number of acres in the smallest parcel.

E. Terrain management plans for subdivisions Types three A and B and five containing shall contain;



1. Maps including the following information:
 - a. a vicinity map drawn to scale of not more than two-thousand (2,000) feet to one inch showing a minimum of two (2) contours at ten-foot intervals (Refer to USGS 7.5 Minute Topographic Quadrangle map of subdivision areas), the relationship of the site to its general surroundings, and the location of all drainage channels, water and erosion control structures, watercourses and water bodies within one-thousand (1,000) feet of the subdivision;
2. A subdivision map drawn to a scale of not more than three-hundred (300) feet to one inch showing:
 - a. the boundaries of the area to be subdivided;
 - b. A minimum of two (2) contours at ten-foot intervals certified by a registered professional surveyor;
 - c. a layout in simple sketch form showing the location of all purposed lots, roads, bridges, and water and erosion control structures;
 - d. the location of all cuts and fills;
 - e. the location of all buffer strips, drainage channels, watercourses, water bodies, floodways, flood fringes and flood plains;
 - f. the location of all areas which the subdivider intends to re-vegetate; and,
 - g. the location of all area in which the subdivider intends to preserve vegetation's.
3. A soil survey for the subdivision including an overlay of the various soil types drawn to the scale of the subdivision map showing the different soil type;
4. A surface drainage description including:
 - a. sufficient information on the areas contributing runoff to the subdivision to show existing drainage patterns and drainage course that may affect the subdivision or be affected by the subdivision; and,
 - b. all appropriate design details necessary to clearly explain the construction of all necessary water control facilities.
5. A subsurface drainage description including:
 - a. an overlay drawn to the scale of the subdivision map location areas where the season high water table is:
 - b. between four (4) and twelve (12) feet of the ground surface; and,
 - c. within four (4) feet of the ground surface.
6. A general grading proposal setting forth the dates and means for stabilizing all cut and fill areas;
7. A general road development proposal setting forth the schedule and extent of road development:
 - a. the legal description of the subdivision, including the range, township and section within which the subdivision is located, where such information is available; and,



- b. the number of parcels within the subdivision and the number of acres in the smallest parcel.

Section 7.17. Soils.

- A. All lands to be developed must be composed of soils suitable for at least the following uses:
 - 1. Building foundation support;
 - 2. Fill;
 - 3. Road location;
 - 4. Underground utilities;
 - 5. Water control structures; and
 - 6. Erosion control structures.
- 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 in his terrain management plan that the inherited soil limitations may be overcome.
- C. Soil may be transported to the subdivision from other locations where the soil within the subdivision is not suitable for the intended use. However, borrowing for fill shall be prohibited unless a revegetation proposal for the borrow area is approved by the local Soil and Water Conservation District.

Section 7.18. Grading Plan.

- A. All grading, filling and clearing operations, including road development, shall be fully described in subdivider's terrain management plan and shall be designed to:
 - 1. Preserve, match or blend with the natural contours of the land;
 - 2. Retain or replace trees and other native vegetation to stabilize hillsides, retain moisture, 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 round off sharp angles at the top, toe and sides of all necessary cut and fill slopes; and
 - 5. Be compatible with the soil survey engineering interpretations and the current local soil and water conservation district technical guide, as amended.



- B. 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.
- C. All grading and filling operations shall proceed according to work schedule included in the grading plan. The schedule shall be drawn up to limit, to the shortest possible period, the time that soil is exposed and unprotected.
- D. Vegetation removed during clearing operations shall be disposed of in an acceptable manner and place.
- E. Earth and any debris removed during operations shall be disposed of in an acceptable manner and place.
- F. 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.
- G. Slopes shall not be subject to erosion or subsidence.
- H. If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, the subdivider shall employ such measures as are necessary to insure the stability of the slope. These 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 material is employed, the stabilization devices shall be at least partially screened by vegetation, where practical.
- J. Organic material, such as vegetation or rubbish or any other material not subject to proper compaction or otherwise not conducive to its stability shall not be permitted in fills. No rock or similar irreducible material with a maximum diameter greater than eight (8) inches shall be buried or placed in the top two (2) feet of fills.
- K. Borrowing for fill is prohibited unless a revegetation proposal for the borrow area is approved by the local Soil and Water Conservation District.
- L. Each layer of top soil for fill to be used at construction sites shall be compacted not less than ninety (90) percent of the in place density of undisturbed adjacent land.
- M. Fills made by the subdivider which settle by more than ten 10percent of the height of the original fill within three (3) years of the date of contract completion are to be reopened and properly back-filled at the subdivider expense.
- N. Mechanical equipment shall not be operated in watercourses except in a manner approved by the local Soil and Water Conservation District.
- O. During construction, appropriate barriers around all native vegetation proposed for retention shall be required. No vehicles of any kind shall pass over areas to be left in their natural state according to the approved plat.

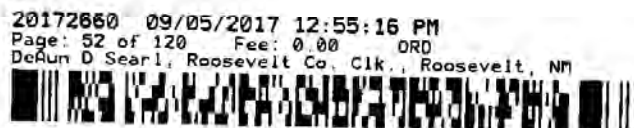


- P. During and following completion of any construction within a subdivision, all unused materials, debris or other deleterious materials shall be removed from the subdivision by the subdivider or by parcel owners or lessees, whichever is responsible for such construction.

Section 7.19. Flood Plain Management Plan.

- A. Storm Drainage Plan. All subdivisions shall be planned, constructed and maintained to:
1. Protect and preserve existing natural drainage channels except where erosion and water control measures are approved by the Board of County Commissioners;
 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 do not contain pollutants or sedimentary materials of any greater quantity than would occur in the absence of the subdivision; and;
 5. Assure that waters are drained from the subdivision in such a manner that they will not cause erosion outside 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. Current specifications of the local Soil and Water Conservation District, as amended; and
 2. Engineering interpretations of the soil survey.
- C. The Board of County Commissioners may require that design and construction of a drainage system that will insure that the inlet flowline elevations and the capacity are such that is capable, or may be extended as necessary, to serve adequately the entire drainage basin within which the subdivision is located when such basin is ultimately developed.
- D. Buffer strips may not be developed except for planting of trees, vegetation or other like improvements. The following legend shall appear on the face of the plat in each buffer strip:

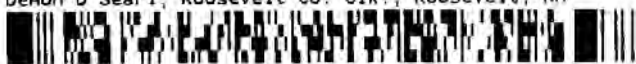
**"THIS STRIP IS RESERVED FOR THE DEVELOPMENT OF TREES, OTHER VEGETATION OR
OTHER LIKE IMPROVEMENTS BY THE SUBDIVIDER OR ANY OWNER"**



ARTICLE 8. ROAD DEVELOPMENTS

Section 8.1 Roads Within Lands

- A. Prior to the consideration by the Board of County Commissioners for approval of roads, streets or alleys, the subdivider shall submit detailed design plans and specifications certified by a New Mexico Registered Professional Engineer, licensed in New Mexico.
- B. All roads within lands to be subdivided shall be located, aligned and designed to:
- a. preserves natural features, vegetation and topography and protects the natural environment;
 - b. protects public health and safety;
 - c. require the road surface to adequately serve the type and intensity of the proposed uses within the subdivision, calculating future traffic demand according to vehicle type and anticipated volume, and provide adequate access for public service vehicles;
 - d. requires the creation of the minimum feasible amounts of land coverage and the minimum feasible disturbance to the soil;
 - e. provide, to the extent feasible, for the separation of motor vehicular, bicycle, and pedestrian traffic;
 - f. creates conditions of proper drainage;
 - g. provide for proper landscaping;
 - h. protect against erosion of road surface and adjacent areas;
 - i. is compatible with the engineering interpretations of the soil survey.
- C. The subdivider or owner of the land to be subdivided shall construct all roads and alleys in the subdivision at his own expense in strict compliance with approved design plans. Prior to grading, location and drainage of all roads and alleys shall be staked by a registered professional land surveyor, licensed in New Mexico. Following completion of any subdivision road or alley, subdivider shall submit to the Board of County Commissioners an affidavit by a registered professional engineer, licensed in New Mexico, certifying that the road or alley had been constructed in full compliance with approved plans.
- D. Within the extraterritorial jurisdiction area of each given town, all streets within a proposed subdivision shall be chip sealed as per Section 8.2 (A) and 8.1 (H).
- E. County Improvement Districts (ARTICLE 55A, 4-55A-1 to 4-55A-39 NMSA1978). Whenever, following acceptance of roads within a subdivision for maintenance by the Board of County Commissioners, owners of sixty-six and two-thirds percent (66 2/3%) or more of the front-feet of any tracts or parcels of land which abuts on a street or road, petition the Board in writing to create an improvement district and construct improvements such as paving or other improvements in excess of ordinary maintenance, the Board may do so and assess the cost of the improvement against the abutting tract or parcel of land. Paragraph E. above shall be included in full in each disclosure statement.
- F. The Board of County Commissioners requires a minimum sixty(60) Foot right-of-way, dedicated to the public use with fee vesting in Roosevelt County, for all streets. A minimum twenty (20) foot



right-of-way, dedicated to the public use with fee vesting in Roosevelt County for all alleys, and minimum twenty (20) foot, dedicated to the public use with fee vesting in Roosevelt County for utilities easements. At any utilities easement dead-end, a 60 foot radius turnaround shall be provided and dedicated to the use of the public with fee vesting in Roosevelt County. Building set-back distance from street right-of-way lines shall be a minimum of twenty-five(25) feet, except where streets are situated on quarter-section lines, building set-back shall be thirty-five (35) feet minimum, and where situated on section lines, building set-back shall be forty-five (45) feet minimum. No part of any building shall extend forward of the above set-back limits or nearer than five (5) feet to parcel lines on sides of building excepting corner or end parcels where set-back distances shall comply with frontal restrictions as specified above.

G. Block lengths shall not exceed one-thousand three-hundred and twenty (1320) feet and cross streets shall match adjoining streets wherever practicable.

H. Streets in subdivisions shall be constructed as follows, with all materials and construction procedures conforming to the New Mexico Standard Specifications for Public Works Construction 1987 Edition. In the event that State or Federal monies are used in with the construction of the Subdivision the construction materials and procedures shall be in conformance with the New Mexico State Highway and Transportation Standard Specifications for Highway and Bridge Construction, 1994Edition.

1. Street preparation shall result in the removal of all sod, other vegetation, and deleterious materials from the roadway;
2. Top six (6) inches of all areas within the road right-of-way shall be compacted to not less than ninety-five (95) percent of maximum standard proctor density. The roadway, side ditches, and cut and fill slopes shall conform with grade and typical section as designed by subdivider's engineer and as approved by the Board of County Commissioners. Side and borrow ditches shall be designed and constructed to grade to provide adequate drainage and prevent ponding of water;
3. Base course shall consist of not less than a six (6) inch compacted caliche strip twenty-eight (28) feet wide, centered at the center of the right-of-way. Caliche material shall be compacted to not less than ninety-five (95) percent of maximum standard proctor density;
4. Completed grade of the base course shall be free from irregularities, shall be within plus or minus 0.1 foot of the grade line specified by the subdivider's engineer, and shall have a uniform crown. The slope each direction from the roadway centerline shall be 0.02/ft. The tolerance of the horizontal distance from the centerline to the edge of the shoulder shall be zero to 0.05 foot;
5. Subdivider may use any type of compacting equipment necessary to obtain the required densities specified above, except that where pit-run caliche is used, compaction shall be by grid roller;
6. When asphalt paving is required by these Regulations, within the extraterritorial areas of a town, the subdivider shall provide asphalt paving, the following specifications shall apply:
 - (a) The top or driving surface shall consist of a centered twenty- eight (28) foot strip of prime and a twenty-six (26) foot strip of double-penetration asphalt paving. All such paving shall be constructed in strict accordance with standard typical cross sections and intersection design and The New Mexico Standard Specifications for Public Works Construction, 1987Edition. When a roadway is constructed and/or improved that is to be



part of a subdivision that lies on a section line, the subdivider shall provide a triple-penetration asphalt paving.

7. Side slope shall extend eight (8) feet beyond edge of base course and shall not be steeper than six (6) to one (1), horizontal to vertical. Back slope to right-of-way line will be variable, dependent upon terrain.

8. Where side slope and base course are joined, there shall be no vertical variation.

I. All dead-end streets within a subdivision shall be terminated in a turning circle on land dedicated to the use of the public with fee vesting in Roosevelt County and with not less than a sixty (60) foot radius, the entire surface of which shall be completed in same manner as driving surface.

J. Alleys shall be designed by a registered professional engineer, licensed in New Mexico, and constructed so that adequate drainage will exist upon completion of subdivision development. A ten (10) foot center strip of caliche compacted to six (6) inch thickness and to ninety-five (95) percent maximum density, shall be installed in alleys. Dead-end alleys shall not be approved, unless a minimum fifty (50) foot radius turning circle is provided on land, dedicated to the use of the public with fee vesting in Roosevelt County, at the dead-end of the alley. Where alleys intersect to form a "T", "L", or a cross, a corner shall be cut across twenty (20) feet back from intersection of alley lines providing room for vehicles. This triangle area shall be a part of the dedicated alley and shall not be fenced off or built upon.

K. Where a subdivision is adjacent to a controlled access highway or bounds a state or federal highway, the following New Mexico Highway Department requirements will apply:

1. Each subdivision, regardless of type or class, and regardless of what county it is located in, shall be contained within a perimeter fence of sufficient character so as to prevent any and all livestock from escaping through any portion of the fence where it is shown that the subdivision shall be contiguous to the state highway;
2. Any perimeter fence shall be tied to state right-of-way fence presently in existence, or any such fence constructed in the future, where such right-of-way fence is outside the corporate limits of a city or town;
3. There shall be only "main access driveways" directly entering state roadways. Local streets may connect with state frontage roads at intervals deemed proper by New Mexico Highway Department Engineers or other appropriate highway representatives, and only at such intervals as are deemed in accordance with the law and deemed safe and viable for the traveling public. The "main access driveways" shall be placed at only those intervals allowed by law and only at such intervals deemed safe and viable for the traveling public;
4. No residential lots within the subdivision shall front directly on the highway right-of-way. Where the State Highway Department right-of-way fence is cut to provide access to state roadway, the subdivider shall install a cattle guard at the point of the cut and subdivider shall have the responsibility of keeping the state right-of-way fence intact;
5. Subdivider shall be held responsible for all damages that might occur to the right-of-way fence and any and all damages to the roadway adjacent to and contiguous with the subdivision;
6. Each disclosure statement, where one is required, shall fully outline the access from the subdivision to state roadways;



7. Subdivider's shall work with the State Highway Department section in each district in order to obtain any permit required prior to the actual commencement of development;

8. Preliminary and final subdivision plans and/or plats will be submitted via the Roosevelt County Planning Department to the New Mexico State Highway Department and reviewed by the planning division. The planning division may refer these plans and plats to its traffic design, technical service and drainage units;

9. In order to minimize acquisition costs for adequate future right-of-way needs, it is recommended that minimum set-backs for lots adjoining highway rights-of-way shall be twenty-five (25) feet from right-of-way lines of state roads and local service federal-aid secondary roads, fifty (50) feet from right-of-way lines of arterial federal-aid secondary roads, and seventy-five (75) feet from right-of-way lines of federal-aid primary roads. Where a frontage road separates the lots from the highway right-of-way, the set-back should provide for relocation of the frontage road should it be necessary to take the recommended set-back for highway improvement purposes. In most cases, maximum right-of-way requirements for the highest type road construction in the state are not expected to exceed three hundred (300) feet. Minimum set-back along existing four-land divided and heavily traveled facilities should assure future availability of one hundred fifty (150) feet of right-of-way on each side of the center line of the existing facility. The set-back will also act as a control measure for noise.

L. The County Commissioners may or may not require cattle guards and/or fencing in subdivisions joining public roads other than those covered in paragraph K. above.

M. The above guidelines apply to streets which will eventually act as the direct access roads leading to the highway. The main street or the street in the subdivision with the heaviest volume of traffic, that is leading to the highway are defined as "Main Access Driveways".

N. Should it be necessary that subdivider obtain access road(s) between a proposed subdivision and dedicated and publicly maintained road(s), then subdivider, at his own expense shall acquire any rights-of-way needed and dedicate and construct such access road(s) in conformance with county Regulations.

O. Streets and alleys within subdivision shall intersect other streets and alleys within, or adjacent to, subdivisions at right angles, or nearly so, or in a straight line.

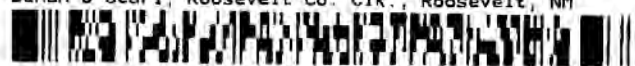
P. Where streets intersect at right angles, the traveled or driving surface of the intersecting road shall be widened or flared within lines drawn from the right-of-way line of the intersected road to the right-of-way line of the intersecting road.

Q. Subdivider shall furnish and install, at his expense, all street markers (signs and posts) complying with the following requirements:

1. Street name signs shall be erected at all subdivision intersections;

2. Lettering on street name sign shall be at least four (4) inches high. Supplementary lettering to indicate the type of street (e.g., street, avenue, road, etc.) may be in smaller lettering, at least two (2) inches high. Conventional abbreviations are acceptable except for the street name itself;

3. The street name sign shall be reflectorized or illuminated. The legend and background shall be on contrasting colors and shall have a white message border on a green background;



4. In residential subdivision, at least one street name sign shall be mounted at each intersection;
 5. Signs shall be mounted with their faces parallel to the streets they name;
 6. Sign posts and their foundations and sign mountings shall be so constructed as to hold signs in proper and permanent position, to resist swaying in the wind or displacement by vandalism. If channel posts are used they shall be not less than three (3) pounds per foot in weight and hot dip galvanized. Round tubing posts shall be hot dip galvanized, at least two and three-eighths (2 3/8) inches O.D. with not less than three-sixteenths (3/16) inch wall thickness. Square tubular posts shall be hot dip galvanized, be not less than two and one-half (2 1/2) inches to the side and have a wall thickness of not less than three-sixteenth (3/16) inches. All sign posts shall be of new material
 7. Signs erected at the side of the road shall be mounted at a height of at least five (5) feet, measured from the bottom of the sign to the level of the near edge of the traveled roadway.
 8. Lateral clearance of sign shall not be less than twelve (12) feet from the edge of the traveled roadway.
- U. Street names and parcel address numbers shall be approved by the Board of County Commissioners. Existing street name should be matched or continued wherever practical and duplication of street names shall be avoided.
- F. All utilities shall be located outside of any and all subdivision roads. No plat or subdivision application will be accepted if any above-ground utility is located in a dedicated roadway. No plat or subdivision application will be accepted if any underground utility prevents or interferes with the County's right to use the entire road easement for purposes of a road.

Section 8.2. Subdivision Roads

No preliminary plat will be accepted and/or approved and no road will be accepted for inclusion within a subdivision until and unless the following conditions are met:

- A. The road shall have a minimum top measurement of twenty-four feet.
 1. The road sub-base shall be compacted to at least ninety-five percent(95%).
 2. The road base shall consist of at least six (6) inches of compacted crushed caliche.
 3. At least sixty (60) feet of right of way shall be available for drainage and road surfaces in the discretion of the professional engineer retained by the sub divider of each individual subdivision.
 4. Each road shall have at least a two percent (2%) crown.
 5. Double Penetration
 - a. Asphalt Emulsified Prime
 - b. AEP - Shot Rate between .25 and .35 c. HFE 100P:
 - i. .10 gallon per square yard or equivalent shot rate minimum .35 to .45
 - ii. Chips 3/4" first penetration (3/4" chips - minimum of 25 lbs per square yard)
 - iii. Chips 1/2" second penetration (1/2 chips - minimum of 15 lbs per square yard)



Section 8.3. Requirement for Driveways.

A. No driveway shall be constructed on any subdivision or other county road right-of-way until the subdivider or owner or lessee of parcel, or of any other area of land, has been granted a county permit. Application for permit to construct driveway on right-of-way shall be filed with the Roosevelt Road Department from whom forms may be obtained. Before a permit may be granted, or any work begun, applicant shall agree to the following conditions:

1. The location, construction, and maintenance of driveways are under the supervision of the Board of County Commissioners at all times, and that in granting such permit under these Regulations the Commission waives none of its powers or rights to direct the removal, relocation and/or proper maintenance in the future of any driveway within the right-of-way of the dedicated road. Any permit granted will be construed as regulatory and not contractual. Such permits are revocable by the Board of County Commissioners whenever the use and presence of a driveway or approach interferes with the required use of that portion of the right-of-way occupied by the driveway or constitutes a hazard to traffic, or the driveways are not built in compliance with the permit issued under these Regulations.
2. The applicant shall perform all work in accordance with permit, and shall indemnify and save harmless the Board of County Commissioners, county officers, and employees from all liability, judgements, costs, expenses and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property arising out of performance or non-performance of said work or the existence of said driveways, or for any other act by parcel owner or lessee within right-of-way included within parcel frontage.
3. No part of the dedicated road right-of-way shall be used for servicing of vehicles, displays or the conduct of private business. The buffer area (the border area along the parcel frontage between the traveled way and the right-of-way line) is to be kept clear of buildings, sales exhibits, and business signs, parking areas, service equipment and appurtenances thereto. Any grading and landscaping within the buffer area shall be only as approved by the Board of County Commissioners.
4. No driveway shall be considered complete until surfaced as specified in the application. All driveways shall be surfaced with caliche (compacted to ninety-five (95) percent maximum standard proctor density), crushed stone, gravel, bituminous material, concrete or other material meeting the approval of the Board of County Commissioners. No surfacing shall be placed upon a driveway until an inspection is made and the grading work approved by the County Road Superintendent. Drainage on roadside ditches shall not be altered or impeded, and applicant must provide such suitable and approved drainage structures as required by the County.
5. Width of driveway at right-of-way line shall be not less than ten (10) feet or more than twenty-two (22) feet on residential parcels and shall be not less than thirty (30) feet or more than forty (40) feet on commercial parcels.
6. All portions of the driveway shall be within the parcel boundary with minimum edge clearance of five (5) feet.
7. Maximum of two (2) driveways shall be approved on any single parcel having a frontage of less than six hundred (600) feet.
8. Combined driveways may be approved where it is impossible to properly located driveways on adjacent properties ten (10) feet apart. Combined driveways shall not exceed two thirds (2/3) the



width of the total individual driveway maximums. Utility installations shall pre-empt use of space within the right-of-way in case of conflict for space.

9. Driveway profile: (cut section)

- (a) From edge of traveled way to outer edge of shoulder, gradient to be same as shoulder pitch;
- (b) From outer edge of shoulder to low point at ditch line or over a culvert maximum downward gradient to be five (5) to eight (8) percent;
- (c) Beyond ditch line, maximum gradient to be five (5) to eight (8) percent for commercial driveways or ten (10) to fifteen (15) percent for others:

10. Driveway profile: (fill section)

- (a) Slope across shoulder, same as 9(a) above;
- (b) Beyond outer edge of shoulder, maximum gradient to be five (5) to eight (8) percent for commercial driveways or ten (10) to fifteen (15) percent for others. Whenever culvert pipe is needed, corrugated metal pipe, or its equivalent, shall be of sufficient size that existing drainage is not interrupted.

11. Driveway should be so located as to result in no undue interference with or hazard to the free movement of normal traffic, and so that areas of traffic congestion will not be created on subdivision roads. Driveways should be located where there are no sharp curves, nor steep grades, and where sight distance with the driveway access would be adequate for safe traffic operation. Locations that would interfere with the placement and proper functioning of road signs, signals, lighting, utility poles or guys, or other devices that affect traffic operation will not be permitted.

12. Single driveways should be positioned at right angles, or nearly so, to the roadway. Where two driveways are used on one frontage, and are to be used for access to and from both directions of travel on the roadway, they may be placed at an angle other than a right angle with the roadway edge but the driveway angle should be not less than forty-five (45) degrees.

13. The curvature of driveway established by the radius of curvature shall not encroach upon a frontage boundary line, right-of-way line, or curvature of intersection corners. Radius of curvature for residential driveway at right angle to roadway shall be five (5) feet minimum and thirty (30) feet maximum. Radius of curvature for residential driveway at less than right angle to roadway shall be five (5) feet minimum and fifteen (15) feet maximum.

14. No person or entity shall remove, injure, tamper with, destroy, or deface in any way public property or property of a public utility lawfully placed in dedicated right-of-way or in any way interfere with the lawful use thereof by said utility without first having obtained the written consent of the appropriate public authority or public utility.

B. Subdivider shall include in the disclosure statement the entire text of Section A.



Section 8.4. County Acceptance of Roads

- 8.3.1 **Subdivision Roads.** Existing subdivision roads, offered for county acceptance for maintenance, must meet the above set forth standards and, shall be evaluated by the Planning Department, and upon its recommendation to the Board of Commissioners may be accepted for county maintenance.
- 8.3.2 **Final Approval.** Final approval of a subdivision shall not be granted until road name signs, approved as to location, road name, general construction and size have been installed in appropriate locations, as further set forth herein, without cost to the County.
- a. Road-name signs shall be placed at the beginning and at the end of each road in the subdivision and at each intersection within the subdivision at which two or more roads meet at the cost of the subdivider or owner. If only one road-name sign is placed at such beginning point, end point or intersection, the same shall be placed on the south edge or the east edge of the beginning point or end point and adjacent to the southeasterly corner of any intersection. Signs are to be constructed of materials that will withstand all types of weather, be suitably anchored with a signpost approval by NMSHD. The road name shall appear in letters at least four (6) inches tall and suitably spaced to be readable from a distance of sixty feet in daylight. The **Board of County Commissioners, with the recommendations from the Rural Addressor**, shall have final approval over road names decided upon by the subdivision. The subdivider with the preliminary plat shall submit plans for such signs.

Section 8.5. Improvement Guarantees

- 8.4.1 **Assurance.** In order for the County to be assured of the completion of required improvements, the subdivider shall agree to:
- A. Complete installation of the required improvements before approval of the final plat; or
- B. Assure construction of required improvements after final plat approval.
- 8.4.2 **Alternatives.** If the subdivider wishes to submit the final plat for review, approval, and recording before completion of required improvements, the subdivider shall post a suitable improvements guarantee in an amount approved by the County. The guarantee shall be not less than 125 percent (125%) of the estimated cost of the required improvement. This guarantee may be cash or surety bond, letter of credit, escrow deposit, or other method acceptable to the **Board of County Commissioners**.
- 8.4.3 **Time Limits.** Any extension granted for the completion and or satisfaction of improvements or any other extension shall not, and under no circumstances, exceed twelve (12) consecutive calendar months after the date on which the final plat is approved. If, the improvements or other requirements have not been fully completed within said twelve (12) month extension, then the Board of County Commission may elect to either revoke and rescind the final plat and or may proceed with completion of the improvements any and all costs, or expenses associated with either the revocation and recession of a final plat and/or with the completion of any required improvements shall be satisfied from the guarantee

If the amount of the guarantee is insufficient to cover the cost and expenses incurred by the County, developer shall be responsible for the same. If, after the expenses to County are fully and completely paid, there remains any balance due, County shall remit said sums to developer and or notify the assured that all amounts have been so satisfied.

Section 8.6. Expense(s) to Owner

The subdivider or owner, at his own expense, shall construct in accordance with the minimum standards set forth in Section 5.7 all roads or alleyways in the subdivision, including, but not limited to, grading,



drainage, and base courses as required by these Regulations or by the Board of County Commissioners or by deed restrictions as filed for the subdivision. The owner shall comply with all FEMA rules and Regulations with regard to flood plains and water runoff. The County will not accept as a county road, and will not maintain or be responsible for any road or roadway that is built or constructed below the overflow contour line of any playa lakes. Roosevelt County will require the subdivider or owner, at his/her own expense to comply with the 500 year storm runoff minimum requirements with regards to any construction on or in a playa lake or in the run-off areas thereof.

Section 8.7. Construction schedule

All roads within a subdivision shall be constructed only on a schedule, which is set forth in the preliminary plat and 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.

Section 8.8. Safety

All proposed roads shall conform to minimum County Maintained Road standards as set forth in the County Maintained Road Policy.

Section 8.9. Demonstration of use

The Board of County Commissioners shall not approve the grading or construction of roads unless and until the subdivider can reasonably demonstrate that the roads to be constructed will receive use and that the roads are necessary to provide access to parcels or improvements within twenty-four (24) months after the date of construction of the road. It is unlawful for the subdivider to grade or otherwise commence construction of roads unless the construction conforms to the schedule of road development approved by the Board of County Commissioners.

8.9.1. Fencing, Cattle Guards and Gates.

In areas that are determined to be in "open range" areas, the subdivider shall be required to provide fencing, cattle guards (per the Roosevelt County Road Maintained Roads Policy) and gates around the perimeter of the Subdivision to be in accordance with all applicable state or federal standards and the requirements of these Regulations

Section 8.10. Number of Access Roads

Roosevelt County reserves the right to determine and/or regulate the number of access roads to or from the subdivision that connect with public roads or thoroughfares, depending on the size of the subdivision, the number of units in the subdivision, location of the subdivision, the public road or thoroughfare from which access to or from the subdivisions with, traffic volumes, overall pattern of usage and/or development within a five (5) mile area of the proposed access roads, and any other factor, which in the opinion of Roosevelt County, impacts or may impact the health, safety and well-being of the County or the County residents.



ARTICLE 9. AGENCY REVIEW

Section 9.1. Plat transmittals

Within ten (10) days after the date that the preliminary plat is deemed complete, the Roosevelt County Planning Department may, if deemed necessary, 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's Office;
- b. New Mexico Environment Department;
- c. New Mexico Highway and Transportation Department; and
- d. Roosevelt Soil and Water Conservation District in which the proposed subdivision is located.

A. New Mexico State Engineer Office, 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/her disclosure statement concerning water, excepting water quality.

B. New Mexico Environment Department, 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 74-1-10NMSA 1978);
- (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) and the Solid Waste Act (Section 74-9-1 NMSA 1978); 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. New Mexico Highway and Transportation Department: to determine whether the subdivider can fulfill state highway access requirements in conformity with state Regulations promulgated pursuant to Section 67-3-16 NMSA 1978.

D. Soil and Water Conservation District: in which the proposed subdivision is located, to determine:

- (1) Whether the subdivider can furnish 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. Any other public agencies the county considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.

Section 9.2. Agency response

All opinions required of public agencies shall be furnished to the Board of County Commissioners within thirty (30) days after the public agencies receive the written request and accompanying information from the Board of County Commissioners. If the Board of County Commissioners does not receive a requested opinion within the thirty (30) day period, the Board shall proceed in accordance with its own best judgment concerning the subject of the opinion requested. The Board of County Commissioners will not proceed or take any action regarding any subdivision until the County has received verification that the applicant has complied with all of the requirements of the State Engineers Office pertaining to water until



the applicant has obtained a permit and approval from the New Mexico State Engineers Office with regard to the water.

The failure of a public agency to provide an opinion when requested by the Board of County Commissioners does not indicate that the subdivider's provisions concerning the subject of the opinion request are acceptable or unacceptable or adequate or inadequate. The Board's proceeding without receipt of any or all of the requested opinions shall not impose any liability, responsibility or obligation upon the Board and, does not indicate any acceptance by the Board of the matters for which an opinion has been requested. The Roosevelt County Subdivision Coordinator shall obtain receipts or other proof showing the date the opinion request was received by each state agency or local agency.

Section 9.3. Hearing deadlines

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

Section 9.4. Adverse opinion

If any opinion from a public agency is adverse, the Roosevelt County Planning Department shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the County within thirty (30) days to respond to the concerns of the appropriate agency. In the event the subdivider fails to provide said information, County shall be under no obligation to proceed further with the subdivision request until such time as all information has been received. The Roosevelt County Planning Department 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 Roosevelt County Planning Department shall obtain receipts or other proof showing the date the additional information was received by each state or local agency.

Section 9.5. Revised opinion

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

ARTICLE 10. PUBLIC HEARINGS ON PRELIMINARY PLATS

Section 10.0. Scheduling

The Board of County Commissioners 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.

Section 10.1. Notice

The notice of public hearing shall be published once in a newspaper of general circulation in Roosevelt County at least twenty one (21) days prior to the hearing and shall contain the following information:

- a. subject of the hearing;
- b. time and place of the hearing;

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- 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.

Section 10.2 Notification

Copies of the notice of public hearing shall be transmitted at least twenty one (21) days prior to the following:

- a. the sub divider filing the application for preliminary plat approval;
- b. those public agencies, which initially received copies of the preliminary plat and supporting documentation with a request for opinion;
- c. any interested person who previously requested such notice and provided a stamped, self-addressed envelope for such purpose.
- d. Owners of property contiguous to the land proposed to be subdivided.

Section 10.3. Participation/record

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

Section 10.4. Action

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



ARTICLE 11. EXPIRATION OF PRELIMINARY PLAT

Section 11.1. Expiration

An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Upon the written 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. The Board of County Commissioners is not obligated to grant any extension, and unless the Board is convinced of the public need, will not grant any extensions beyond the twenty-four (24) month expiration period.

Section 11.2. 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 Board of County Commissioners shall determine the number of phased final plats at the time of the approval or conditional approval of the preliminary plat.

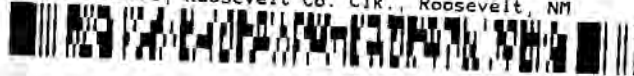
Section 11.3. Extension

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 twelve (12) months, for a total of thirty (36) months.

Section 11.4. 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.

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ARTICLE 12. FINAL PLAT REVIEW PROCESS

Section 12.1. Final Plat Submittal

- 12.1.1 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.
- 12.1.2 Application/fees. A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these Regulations. Final plat submittal is initiated by applicant submitting a final plat to the Roosevelt County Subdivision Coordinator and upon payment of the required administrative fees.
- 12.1.3 Plat deemed complete. A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these Regulations. If there are no deficiencies, the final plat will be deemed complete for review by written notice to the subdivider within thirty (30) days after the date of application. If the final plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be notified and will be given a maximum time period of thirty (30) days to correct the deficiencies and return the final plat for consideration. Subject to the preliminary plat expiration requirements of Article 11, Section 11.1 of these Regulations, if the resubmittal is not received by the County within six months of the date of the notification, a new application and new final plat submittal package will be required.
- 12.1.4 Verification of taxes paid and State Engineering approval obtained. A subdivider shall acknowledge in writing, on the final plat, their compliance with New Mexico statutes regarding payment of taxes on all lands divided or combined, as well as their compliance with receipt of a permit and authority from the New Mexico State Engineer's Office with regard to the water and water requirements for said subdivision.

Section 12.2. Decision on Final Plat

- 12.2.1 Action. Final plats submitted to the County for approval in conformity with Section 12.1 shall be approved or disapproved by the Board of County Commissioners at a public meeting within thirty (30) days after the date the subdivider is notified in writing that the final plat is deemed complete.
- 12.2.2 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 final preliminary plat and any and all required changes additions or modifications. Denial of a final plat shall be accompanied by a finding in writing identifying the requirements that have not been met.
- 12.2.3 Improvement agreement. If, at the time of approval of the final plat, any public improvements have not been completed by the subdivider as required by these Regulations, the Board of County Commissioners may either deny the final plat or, may, as a condition preceding approval of the final plat, require the sub divider to enter into a written guarantee agreement with the County, on mutually agreeable terms, to thereafter complete the improvements at the subdivider's expense.
- 12.2.4 Failure to act. If the Board of County Commissioners does not act upon a final plat within the required period of time, the subdivider shall give the Board of County Commissioners written notice of its failure to act. If the Board of County Commissioners fails to approve or reject the final plat within thirty (30) days after that notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the final plat has been approved.



Section 12.3. Final Plat Data Requirements

12.3.1 Filing specifications. The original drawing of the final plat shall be submitted in waterproof ink on Mylar or acetate or other durable material suitable for reproducing copies. Final plat maps shall be drawn at a scale of three-hundred (300) feet to one (1) inch 18" x 24" or larger and printed on sheets no larger than twenty-four by thirty-six (24 x36) inches drawn by a professional surveyor licensed in New Mexico. There shall also be a blank space not less than 3½x3½ inches on the drawing, in the lower right hand corner, for the impression of the clerk's filing stamp. When more than one sheet is used to include the entire subdivision, all sheets shall be cut to the same size and shall show appropriate references to other sheets of the subdivision. Sheets shall be numbered in sequence if more than one sheet is used. The subdivider shall also submit fifteen (15) paper copies of the final plat map and accompanying information. If available, a digital, preferably DXF format, plat should accompany hard copy plats.

Restrictive covenants shall not be made a part of the plat or dedication but shall be filed and recorded with the County Clerk as a separate instrument.

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

- a. name of subdivision, scale, north arrow, and date;
- b. permanent monuments, or descriptions and ties to such monuments, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
- c. tract boundary lines, easement and right-of-way lines, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, radii, arcs, and central angles of all curves;
- d. accurate description of legal access to, roads to, and utility easements for each parcel, and if the access or easement is based upon an agreement, the recording data in the land records for the agreement;
- e. name, right-of-way width, and centerline data of each road or other right-of-way;
- f. location, dimensions, and purpose of all easements and dedicated public sites;
- g. number of each parcel in progression, with its dimensions, and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting on or contiguous to the land with addresses assigned by the Roosevelt County Rural Addressing Office;
- h. names of owners of contiguous un-platted land;
- i. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
- j. the names of the owner or owners of the subdivision, and the developer if other than the owner;
- k. the certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey; and
- l. legal description indicating the range, township, and section within which the subdivision is located;
- m. Certificates of Approval shall be placed on the face of the plat such as the Board of County Commissioners, and, where the proposed subdivision falls within the planning and platting jurisdiction of a municipality, the City Planning Board and the City Council of such municipality.
- n. Minimum building set-back lines on all parcels.
- o. Statement of agreement by utilities involved as to sizes and locations of utility easements. Minimum width of any utility easement shall be fifteen (15) feet.
- p. show that the requirements pertaining to liquid and solid waste disposal, water use and conservation requirements, and trained management, as here and before set forth, have been met.

12.3.3 Reservation of Jurisdiction: Every action of the Board of County Commissioners approving a subdivision plat, in part or in full, shall contain an express condition reserving jurisdiction for the purpose of a subsequent determination whether any material misstatement or error of act in the disclosure statement or any document required by this ordinance, upon which the Board of County Commissioners relied, or a subsequent failure to comply with a material provision of the disclosure statement or a

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subsequent failure to comply with County Regulations, has been made to appear, and whether such misstatement, error or failure requires suspension or revocation of plat approval.

A. Upon approving a subdivision plat, the Board of County Commissioners expressly reserves jurisdiction to subsequently determine whether or not plat approval should be suspended or revoked because of:

1. Any material misstatement or error of fact in the disclosure statement or any information upon which the commission relied; or
2. A subsequent failure to comply with a material provision of the disclosure statement or a subsequent failure to comply with county Regulations.

12.3.4. Enforcement. A final plat shall not be approved until the subdivider has submitted and the Board of County Commissioners has approved each of the following items as they are applicable to a particular subdivision:

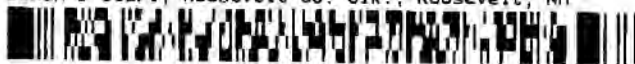
- A. Engineers' certificate that all roads have been constructed in accordance with the approved design plans and County and State Regulations;
- B. Disclosure Statement
- C. Restrictive Covenants
- D. Schedule of Compliance
- E. Phased Development Plan
- F. State Engineer's Opinion
- G. Engineer's Road Plans
- H. Environmental Improvement Division Opinion
- I. Soil and Water Conservation District Opinion
- J. State Highway Department Opinion
- K. Performance Bond, Letter of Credit, or Other Collateral
- L. Financial Statement
- M. Statement of availability and estimated cost to serve customers by the following utility services:
 1. Electric
 2. Gas
 3. Telephone
 4. Water
 5. Liquid Waste Disp.
 6. Solid Waste Disp.
- N. Contracts Conveying Interest (sale or lease)
- O. Advertising Materials
- P. Proof of payment of all property Taxes for the land proposed to be subdivided
- Q. Such other agreements as may reasonably be required by the Board of County Commissioners.

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

12.3.6 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 County Clerk's Office or a resolution of acceptance by the Board of County Commissioners is filed in that Office.

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- A. Included in each dedication shall be the following:
All areas of land shown for public use, including streets and alleys, are hereby dedicated to the public use and fee vests in Roosevelt County. The Subdivider agrees to construct at his own expense, all roads, streets, and alleys within, and provide access to, the subdivision in full conformance with the requirements of the Roosevelt County subdivision Regulations and the approved schedule of compliance and, if required, phased development plan; and to sell or lease parcels only in accordance therewith.
- B. The fact that certain roads (streets or alleys) within a subdivision will become public property by virtue of the dedication for public use does not mean necessarily that the roads within the subdivision have been accepted for maintenance by the county. Neither does it follow that the county automatically accepts for maintenance any other land within a subdivision which has been dedicated for public or common use.
- C. Acceptance for maintenance of roads within an approved subdivision by the county shall not occur until roads have been completed in full compliance with county Regulations and subdivider's registered professional engineer has certified by affidavit to the Board of County Commissioners that such roads have been constructed in accordance with approved design plans.
- D. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the County Clerk's Office pursuant to these Regulations or a resolution of acceptance by the Board of County Commissioners is filed in that Office.

12.3.7 Disclosure statement. For all subdivisions containing five (5) or more parcels, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix C 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 until the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

12.3.8 Conformity. The Board of County Commissioners shall not approve the plat of any subdivision if the subdivider cannot reasonably demonstrate that they can fulfill the proposals contained in their disclosure statement or if the subdivider has not conformed to the New Mexico Subdivision Act and the County's subdivision regulation.

12.3.9 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 approval.

12.3.10 Recording. The final plat is in full force and effect only after having been recorded in the County Clerk's Office within one (1) year after the date of approval by the Board of County Commissioners.

12.3.11 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.

12.3.12 Recording The final plat is in full force and effect only after having been recorded in the office of the County Clerk within one (1) year after the date of approval by the Board of County Commissioners.

12.3.13 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.



ARTICLE 13. SPECIAL PROCEDURES

Section 13.1. Phased Subdivisions

Upon written request, a subdivision may be treated as a phased subdivision. A phased subdivision is a subdivision that as presented, has more than one (1) platted unit, which is intended to be developed subsequent to the development of the first unit. 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. Subdivisions which are purposed to be phased shall be fully and completely described on the original preliminary plat. A final plat will be submitted, together with a separate disclose statement, for each unit when completed. The original final plat, and any subsequent final plat, shall include a phasing schedule for the remaining units, together with a schedule of improvements thereon that has been approved by the Board of County Commissioners.

Section 13.2. Succeeding Subdivisions

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

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

13.2.2 For any subdivision approved prior to the effective date of this ordinance only that portion which is added onto it, thus creating a succeeding subdivision, shall be subject to the standards of this ordinance.

Section 13.3. Vacation of Plats

13.3.1 Cause. Any final plat filed in the County Clerk's Office 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.

13.3.2 Request for vacation. The vacation of all or a portion of a final plat shall be initiated by submittal of a request for vacation to the Roosevelt County Subdivision Planning Department, along with the names of all owners of record of property within the subdivided land to be vacated and the names of all owners of record of property contiguous to the subdivided land to be vacated. The request for vacation shall be considered filed upon payment of the required administrative fee and payment of all postage costs and subdivider's compliance with New Mexico statutes pertaining to payment of taxes upon division or combination of any property and statements of acceptance by public utilities. The authorized representatives of all utility companies that have easements within the subdivision's proposed vacation of the plat, must sign a notarized statement agreeing to the proposed vacation and approval and permit obtained from New Mexico State Engineer's Office with regard to water.

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13.3.3 Scheduling and notification. Within sixty (60) days after the date the vacation is filed, 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 twenty one (21) days before the proposed meeting, the County shall notify by certified mail all owners of record of property within the subdivided land to be vacated and all owners of record of property contiguous to the subdivided land to be vacated 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. County shall notify relevant utilities and other agencies of the request.

13.3.4 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.

13.3.5 Filing. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the County Clerk's Office. 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.

13.3.6 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 13.4 Replat and Lot Line Adjustments

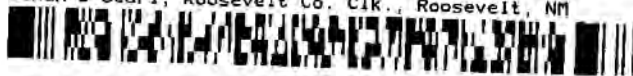
13.4.1. Minor Amendment: Any replat, corrected or amended plat for the purpose of correcting an error on a previously approved and filed subdivision plat, in which no additional lots are created and all of the existing lots, dedicated rights-of-way, and easements are not materially affected, will be considered a minor amendment. Minor amendments will be processed and approved by the Roosevelt County Planning Department. The original filed plat document can be used in the minor amendment only if the surveyor who prepared the original plat prepares the amendment, and only if the lot and/or lots affected by the replat be owned by the same owner who acknowledged the original document.

13.4.2. Major Amendment: Any replat, corrected or amended plat for the purpose of altering lots, dedicated rights-of-way, and easements but in which no additional lots are created, and no lot is reduced in size below the minimum lot size approved for the subdivision, will be considered a major amendment. Major amendments must meet the requirements of Article 6, Section 6.2, and will be processed and approved under the summary review process described in Article 6.

The re-subdivisions of platted tracks (hereinafter replat) shall be considered as a form of subdivision and, except for as provided herein, shall require the completion and satisfaction of these Regulations as it pertains to any other subdivision. Any increase or decrease in the number of lots within a tract or within a subdivision shall constitute a new subdivision and require a new a full compliance with subdivision Regulations.

13.4.3. Lot Line Adjustment. The adjustment of lot lines of a replat consisting of the adjustment of lot lines in tracts of less than one (1) acre, for the sole purpose of increasing or reducing the size of contiguous lots shall not be considered a subdivision and shall require the furnishing of a plat.

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13.4.4. Replat for Lot Lines. Replat for the adjustment of lot lines as herein above set forth shall require the submission of a new plat, which shall conform with the requirements of summary review under these Regulations, and which shall clearly set forth the legal description of the new lots together with a certificate setting forth the legal description of the lot line adjustments resulting from this replat.

13.4.5. Filing. All replat for lot line adjustments shall be submitted to the Roosevelt County Planning Department for approval. If the Roosevelt County Planning Department determines that the replat meets the requirements of these Regulations, the replat shall be approved for filing. The replat will be deemed legally effective once filed with the Roosevelt County Clerk.

13.4.6. Timing. A replat of a platted tract or subdivision shall only be permitted once every five (5) years unless exceptional circumstances exist and approval of a second or subsequent replat is expressly permitted by the Roosevelt County Planning Department.

Section 13.5 Variances

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these Regulations would result in a substantial or unreasonable hardship to the subdivider because of exceptional topographic, soil or other surface or subsurface conditions, or that strict compliance with these Regulations would result in inhibiting the achievement of the objectives of these Regulations, the County may vary, modify, or waive a requirements.

No variance shall be granted simply because the developer disagrees with or does not wish to meet the goals and objectives of these Regulations. In no case shall a variance be granted which will cause the County to absorb costs over and above those typically associated with subdivision approval. Also, no variance shall be granted contrary to the mandatory requirements of State law. Requests for variances must be submitted in writing with the preliminary plat. Variance requests shall be reviewed by the County prior to approval or denial of a preliminary plat. Variance requests shall also be examined by the reviewing agencies with expertise relating to the subject of the requested variance. Variances may be granted for time periods and under conditions consistent with reasons for granting them.

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

13.5.2 Conditions and limitations. Before recommending approval of a variance to the Board of County Commissioners, the County Planning Department shall make the following findings of fact. These same findings must be made by the Board of County Commissioners before it may action an appeal regarding a variance. Granting of the Variance:

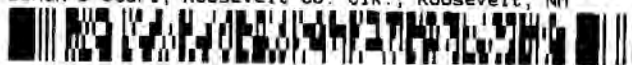
- a. substantially secures the objectives of the standards of these Regulations;
- and
- b. not adversely affect the health, safety, and general welfare of the public, if otherwise consistent with the general purpose and intent of these Regulations and if not injurious or detrimental to the surrounding area.
- c. Is justified because there is a physical hardship for the applicant resulting from size, shape or existing structures thereon, or from topographic or physical conditions on the site or in the area of noticed.
- d. Upholds the spirit and intent of these Regulations, public safety and welfare secured, and substantial justice done



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

- a. Requests for variances shall be submitted in writing prior to or at the time of request for preliminary plat approval on the prescribed form available from the Planning Department for that purpose, and upon payment of the required administrative fee.
- b. Variance requests shall be reviewed by the Board of County Commissioners in a public hearing at the same public hearing held for approval of the preliminary plat.
- e. The Board of County Commissioners shall make written findings of fact regarding each of the requirements of these Regulations and shall produce those findings of facts as a portion of its decision and order on each request for variance.
- f. The decision and order shall be prepared, signed and filed within five (5) working days after the public hearing at which the variance is considered.

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ARTICLE 14. APPEALS

Section 14.1. Who May Appeal

14.1.2. Planning Board. Any person who is adversely affected by a decision of the Planning Department in approving or disapproving a preliminary or final plat or any other decision may appeal to the Board of County Commissioners within thirty (30) days after the date of the action of the Planning Department. Said appeal shall be de novo.

14.1.3. 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 14.2. Appeal Process

Any appeal under this section shall be governed by Section §47-6-15, NMSA and §39-3-1-1, NMSA 1978 or any amendments and/or changes thereto.

Section 14.3. Nature of review

The appeal shall consist of a whole record review in the District Court of Roosevelt County; the court may set aside the action taken by the Board of Commissioners only if it is found to be:

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

Section 14.4. Standing

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



ARTICLE 15. ENFORCEMENT, PENALTIES, AND REMEDIES

Section 15.1. 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 15.2. 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 Roosevelt County Planning Department for investigation. The Roosevelt County Planning Department shall investigate the complaint and take such action as is warranted, or make a written recommendation to the County Attorney of what action is warranted. County Attorney shall make a written recommendation to the Board of County Commissioners of what action is warranted. County Attorney shall inform the complainant in writing of what actions have been taken or will be taken in response to the complaint.

Section 15.3. Penalties and Remedies

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

15.3.1 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.

15.3.2 Suspension of Right of Sale. The Board of County Commissioners may suspend or revoke approval of a plat as to unsold, un-leased or otherwise not conveyed portions of a subdivider's plat if the subdivider does not meet the schedule of compliance (Improvement Agreement) approved by the Board of County Commissioners.

15.3.3 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.
- e. The Courts in its discretion may award reasonable attorney's fees to the prevailing party.



15.3.4 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.

15.3.5 Criminal Penalties

a. § 47-6-27 NMSA 1978 provides that:

- i. any person who knowingly, intentionally, or willfully commits a material violation of the New Mexico Subdivision Act is guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, or by imprisonment for not more than one year, or both; and
- ii. any person who is convicted of a second or subsequent knowing, intentional, or willful violation of the New Mexico Subdivision Act is guilty of a fourth degree felony, punishable by a fine of not more than twenty-five thousand dollars (\$25,000) per violation or by imprisonment for not more than eighteen (18) months, or both.

b. Any violation of the provisions of these Regulations is punishable by a fine not to exceed three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both, in accordance with §4-37-3 NMSA1978.

15.3.6 Private Remedies. Pursuant to §47-6-27.1 NMSA 1978:

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

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

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

D. Costs shall be allowed to the preliminary party unless the court otherwise directs. The court, in its discretion, may award reasonable attorneys' fees to the prevailing party.

E. The remedies provided in this section are in addition to remedies otherwise available under common law or other statutes of this state.

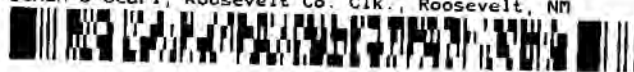
F. This section shall apply to all purchases, leases or other conveyances of subdivided land in approved or unapproved subdivisions that occur after the effective date of this section.



ARTICLE 16. AMENDMENT

This regulation may be amended from time to time as conditions warrant. Amendments shall be made by either an regulation or by resolution 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.

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ARTICLE 17. 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 there from.

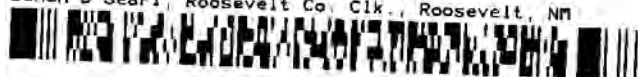


ARTICLE 18. ADMINISTRATIVE FEES

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

Preliminary plat	\$ 250.00
Final Plat	\$ 250.00, plus \$15.00/lot
Summary review plat	\$ 250.00 plus postage
Variance/each request	\$ 100.00
Appeal	\$ 150.00
Claim of Exemption	\$ 30.00

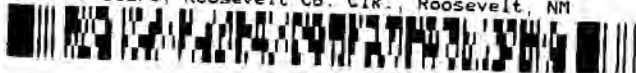
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ARTICLE 19. REPEAL AND EFFECTIVE DATE

These Regulations replace Roosevelt County Ordinance #97-2 and shall become effective immediately on the 5th day of September, 2017.

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CLAIM OF EXEMPTION

To claim an exemption from the requirements of the Roosevelt 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 Roosevelt County Manager, Roosevelt County Courthouse, and Portales, NM 88130. Be sure to check all exemptions which apply and attach legible copies of all supporting documents.

The County Manager or designee 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 or designee within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Roosevelt 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 Roosevelt County Subdivision Regulations.

Address: _____

Legal Description: For Original (Parent) S: _____ T: _____ R: _____ Lot: _____ Block: _____

Addition Legal _____

Description _____

Legal Description: For Split (New) Parcel (Child) S: _____ T: _____ R: _____ Lot: _____ Block: _____

Addition Legal Description _____

Also Other Addition Information: Deed: _____ Survey: _____ Power of attorney: _____

Notice of Contract: _____

(As the following described real property located in (Roosevelt County, New Mexico)

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

- ____ 1. The sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years. **ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL.**
- ____ 2. The sale or lease of apartments, offices, stores or similar space within a building. **ATTACH COPIES OF ALL PROPOSED SALE OR LEASE DOCUMENTS.**
- ____ 3. The division of land within the boundaries of a municipality. **ATTACH CERTIFIED SURVEY SHOWING LOCATION OF PROPOSED DIVISION.**
- ____ 4. 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.**
- ____ 5. 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**

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6. The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. **ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. SUCH DOCUMENTS MUST CONTAIN A COVENANT RUNNING WITH THE LAND AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND THE PROPERTY OWNER THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES. THE COVENANT MUST BE SIGNED BY THE PROPERTY OWNER, THE BUYERS OR LESSEE, AND THE BOARD OF COUNTY COMMISSIONERS AND MUST BE FILED OF RECORD WITH THE COUNTY CLERK.**

7. The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. **ATTACH CERTIFIED SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION.**

8. Division of land to create burial plots in cemetery. **ATTACH CERTIFIED SURVEYS SHOWING LOCATION OF PROPOSED DIVISION.**

9. The division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. 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, step grandson, granddaughter, step granddaughter, nephew and niece, whether related by birth or adoption. **ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENT AND BIRTH CERTIFICATE, ADOPTION CERTIFICATE OR OTHER DOCUMENT DEMONSTRATING FAMILY RELATIONSHIP CLAIMED. BAPTISMAL CERTIFICATES ARE NOT ACCEPTABLE DOCUMENTATION.**

10. 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.**

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

12. 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.**

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



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

I hereby grant Roosevelt County Planning Department Personnel **Permission** to enter my Property in order to do an onsite inspection.

Signature

Print your name here

Address

City, state and zip code

Telephone number(s)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2016 __.

Notary Public

My commission expires:



FOR OFFICIAL USE ONLY

☐ The foregoing Claim of Exemption has been approved.

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

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

Date: _____

Name



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

INSTRUCTIONS

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

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number

Signature Date

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

Signature Date

3. Engineer/Surveyor Name, Address, and Phone Number

Signature Date

SUBDIVISION INFORMATION

4. Name of Subdivision (Indicate if this is a succeeding subdivision, phased subdivision, or resubdivision)

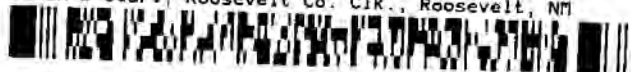
5. This is a Type One Two Three Four Subdivisions (check one)

6. Number of lots: Total acreage: Acres Size of smallest lot: Acres

7. Municipal planning and platting jurisdiction (if applicable):

8. County Zoning Classification:

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PRELIMINARY PLAT APPLICATION - PAGE TWO

SUPPLEMENTAL INFORMATION

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

PROCEDURAL INFORMATION (to be completed by County Staff)

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



**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 County Manager or designee 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.



FINAL PLAT APPLICATION - PAGE TWO

PROCEDURAL INFORMATION (To be completed by County staff)

10. Date of preliminary plat approval Expiration Date
11. Extension dates (if any, with explanation)
12. Date application received by County Signed
13. Date final plat deemed complete Signed
14. Date of final plat approval by County
15. Date final plat is filed with County Clerk



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

INSTRUCTIONS

Print or type clearly. Use additional sheets if necessary. All required attachments shall be submitted with this application form. Incomplete or inaccurate applications may delay decision dates. The completed application package must be submitted to the County Manager or designee by the sub divider 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

3. Signature _____ Date _____

SUBDIVISION INFORMATION

3. Location of Subdivision (attach map if necessary)

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

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

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

7. County Zoning Classification:

SUPPLEMENTAL INFORMATION

8. If it is determined by the County to be necessary, attach an improvement agreement to ensure completion of required improvements.

9. All affidavits, certificates, permits, and statements required for summary review plats as defined by the County Subdivision Regulations shall be attached to this application.

10. The original drawing and required number of copies of the summary review plat map shall be attached to this application.

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

PROCEDURAL INFORMATION (To be completed by County Staff)

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



**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 County Manager or designee 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 _____



**COUNTY SUBDIVISION REGULATIONS
NOTICE OF APPEAL**

INSTRUCTIONS

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

APPELLANT INFORMATION

1. Name, Address, and Phone Number

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

Signature Date

Signature Date

NATURE OF APPEAL

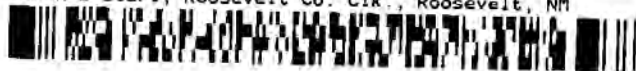
3. Reason for Appeal (reference to specific decision being appealed)
4. Ruling Authority for this appeal Attach a copy of the decision or order being appealed.

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

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GRANTOR'S AFFIDAVIT

STATE OF _____

COUNTY OF _____

I hereby certify that the attached deed is not a sub-division as defined by Roosevelt County sub-division Regulations-ordinance number 2017-06; that is, a sub-division means: "Division of a surface area of land, including land within a previously approved sub-division, into two or more parcels for the purpose of sale, lease, or other conveyance; or for building development, whether immediate or future." There are thirteen (13) exceptions to the formal application procedure of the Roosevelt County Subdivision Regulations. I understand that if I am dividing land into two or more parcels, I should either comply with the Roosevelt County Subdivision Regulations or apply for an exemption.

Grantor

Subscribed and sworn to before me this _____ day of _____, 20____, by
_____.

My Commission Expires:

Notary Public



D.1 [FOR ALL SUBDIVISIONS CONTAINING UP TO FOUR PARCELS]

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING NO MORE THAN FOUR PARCELS.

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

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

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

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

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

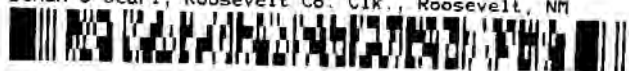
If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After

1

§§ 47-6-17(a) NMSA 1978 requires each county to declare Regulations setting out the county's requirements for disclosure statements. §§ 47-6-17(b) and (c) set out the minimum required disclosures for subdivisions with 5-99 (paragraphs 1-34, below) and 100 or more parcels (paragraphs 1-42, below). Counties have the authority to adopt more stringent disclosure requirements. (47-6-9(a)(14) NMSA 1978). Since the additional disclosures required by § 47-6-17(c) NMSA 1978 are not burdensome, counties should consider requiring those additional disclosures for subdivisions with from 5 to 99 parcels. This will enable counties to use a single disclosure statement for all subdivisions.

There are no minimum standards for disclosure statements for subdivisions with from 2-4 parcels, but counties have the authority to require disclosure statements for such subdivisions. It is recommended that counties consider requiring the same disclosures for these small subdivisions as are required for larger ones. At a minimum, counties should consider requiring disclosures related to title, access, water availability and quality, liquid waste, and terrain management for subdivisions with 2-4 parcels.

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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 Roosevelt County Clerk.

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

1. NAME OF SUBDIVISION

(name of subdivision)

2. NAME AND ADDRESS OF SUBDIVIDER

(name of subdivider)

(address of subdivider)

3. CONDITION OF TITLE

Include at least the following information where applicable

(number of mortgages)

(name and address of each mortgagee)

(balance owing on each mortgage)

(summary of release provisions of each mortgage)

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

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

(balance owing on each real estate contract)



(summary of default provisions of each real estate contract)

(summary of release provisions of each real estate contract)

(statement of any other encumbrances on the land)

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

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

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

5. UTILITIES

(name of entity providing electricity, if available)

(estimated cost per parcel)

(name of entity providing gas service, if available)

(estimated cost)

(name of entity providing water, if available)

(estimated cost)

(name of entity providing telephone, if available)

(estimated cost)

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

(estimated cost)

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

(estimated cost)

6. INSTALLATION OF UTILITIES



(electricity)	(date)
_____	_____
(gas)	(date)
_____	_____
(water)	(date)
_____	_____
(telephone)	(date)
_____	_____
(liquid waste disposal)	(date)
_____	_____
(solid waste disposal)	(date)
_____	_____

7. UTILITY LOCATION

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

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

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

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

8. WATER AVAILABILITY

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



domestic uses)

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

(describe the means of water delivery
within the subdivision)

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

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

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

9. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS (if applicable)

(name and address of entity providing water)

(source of water and means of delivery)

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

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

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

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

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



storage and treatment facilities)

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

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

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

(recommended total depth of well)

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

11. 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 _____ 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)



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

15. MAINTENANCE

(state whether the roads and other improvements within the 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)



APPENDIX D.2 [FOR ALL SUBDIVISIONS CONTAINING 5 OR MORE PARCELS]²

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING FIVE (5) OR MORE PARCELS.

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

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

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

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

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

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

²§§ 47-6-17(a) NMSA 1978 requires each county to declare Regulations setting out the county's requirements for disclosure statements. §§ 47-6-17(b) and (c) set out the minimum required disclosures for subdivisions with 5-99 (paragraphs 1-34, below) and 100 or more parcels (paragraphs 1-42, below). Counties have the authority to adopt more stringent disclosure requirements. (47-6-9(a)(14) NMSA 1978). Since the additional disclosures required by § 47-6-17(c) NMSA 1978 are not burdensome, counties should consider requiring those additional disclosures for subdivisions with from 5 to 99 parcels. This will enable counties to use a single disclosure statement for all subdivisions of five or more parcels.

There are no minimum standards for disclosure statements for subdivisions with from 2-4 parcels, but counties have the authority to require disclosure statements for such subdivisions. It is recommended that counties consider requiring the same disclosures for these small subdivisions as are required for larger ones. At a minimum, counties should consider requiring disclosures related to title, access, water availability and quality, liquid waste, and terrain management for subdivisions with 2-4 parcels.



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 Roosevelt County Clerk.

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

1. NAME OF SUBDIVISION

(name of subdivision)

2. NAME AND ADDRESS OF SUBDIVIDER

(name of subdivider)

(address of subdivider)

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

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

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

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

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

Present

Anticipated

(number of parcels)

(number of parcels)

(number of acres in subdivision)

(number of acres in subdivision)

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

(size of largest parcel in acres)

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

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(size of smallest parcel in acres)

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

(\$ = lowest amount)

(size of parcel sold, leased or conveyed)

(\$ = highest amount)

(size of parcel sold, leased or conveyed)

8. FINANCING TERMS

(interest rate)

(term of loan or contract)

(minimum down payment)

(service charges and/or escrow fees)

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

(closing costs)

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

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

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

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

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

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

(name of person who is recorded as having equitable title)

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



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

11. CONDITION OF TITLE

Include at least the following information where applicable

(number of mortgages)

(name and address of each mortgagee)

(balance owing on each mortgage)

(summary of release provisions of each mortgage)

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

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

(balance owing on each real estate contract)

(summary of default provisions of each real estate contract)

(summary of release provisions of each real estate contract)

(statement of any other encumbrances on the land)

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

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

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

13. ESCROW AGENT

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(name of escrow agent)

(address)

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

14. UTILITIES

(name of entity providing
electricity, if available)

(estimated cost
per parcel)

(name of entity providing
gas service, if available)

(estimated cost)

(name of entity providing
water, if available)

(estimated cost)

(name of entity providing
telephone, if available)

(estimated cost)

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

(estimated cost)

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

(estimated cost)

15. INSTALLATION OF UTILITIES

(electricity)

(date)

(gas)

(date)



(water)	(date)
_____	_____
(telephone)	(date)
_____	_____
(liquid waste disposal)	(date)
_____	_____
(solid waste disposal)	(date)
_____	_____

16. UTILITY LOCATION

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

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

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

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

17. WATER AVAILABILITY

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

(describe the availability and sources of water to meet



the subdivision's maximum annual water requirements)

(describe the means of water delivery
within the subdivision)

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

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

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

18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

(name and address of entity providing water)

(source of water and means of delivery)

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

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

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

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

(if wells are provided by purchaser/lessee/conveyee,



state the estimated cost to complete a domestic well,
including drilling, pressure tank, control devices,
storage and treatment facilities)

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

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

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

(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 _____ 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)

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

31. SUBDIVISION ACCESS

(name of town nearest to subdivision)

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

(describe access roads to subdivision)

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

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



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

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

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

32. MAINTENANCE

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

33. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

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

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

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

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

34. CONSTRUCTION GUARANTEES

(describe any proposed roads, drainage structures, water
treatment facilities or other improvements that will 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)

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

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

37. FIRE PROTECTION

(distance to nearest fire station from subdivision)

(route over which that distance is computed)

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

38. POLICE PROTECTION

List the various police units that patrol the subdivision.
(sheriff's department, if applicable)



(municipal police, if applicable)

(state police, if applicable)

39. PUBLIC SCHOOLS

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

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

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

40. HOSPITALS

(name of nearest hospital)

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

(number of beds in nearest hospital)

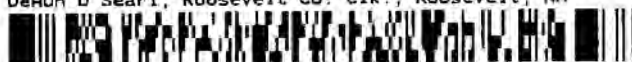
41. SHOPPING FACILITIES

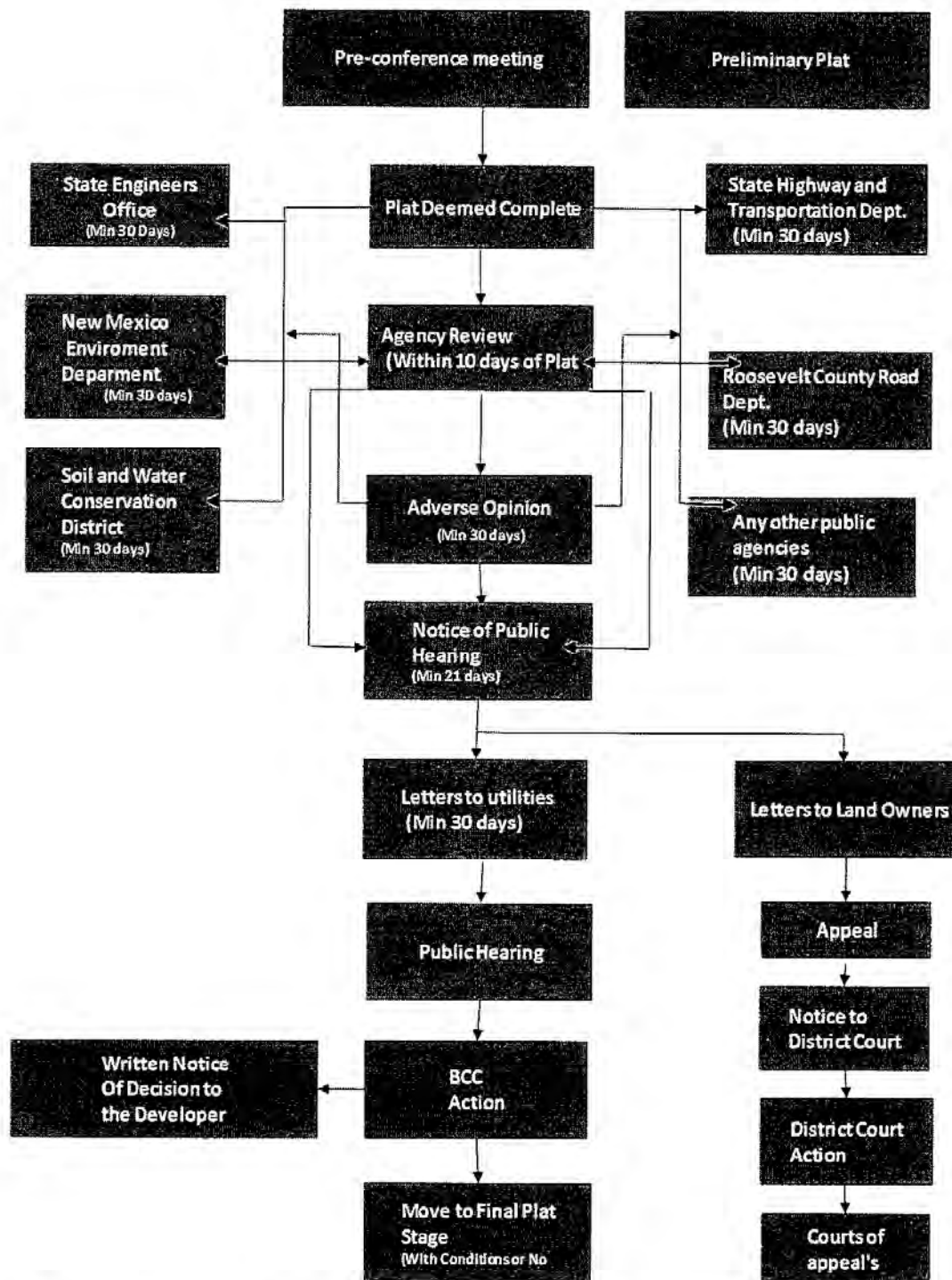
(description of nearest shopping
facilities including number of stores)

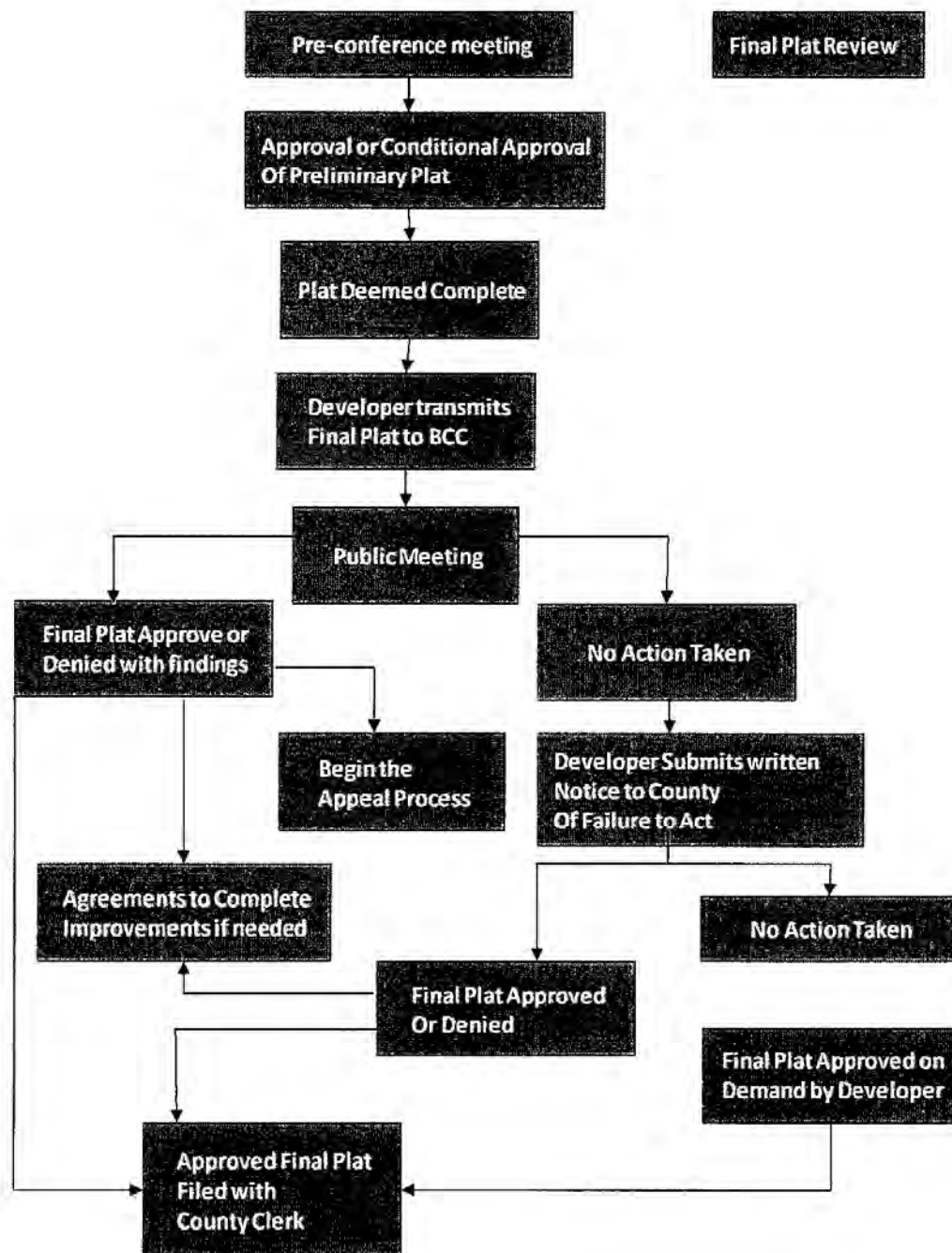
(distance to nearest shopping facilities and
route over which that distance is computed)

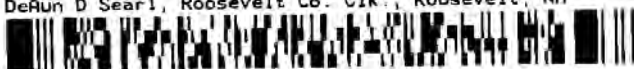
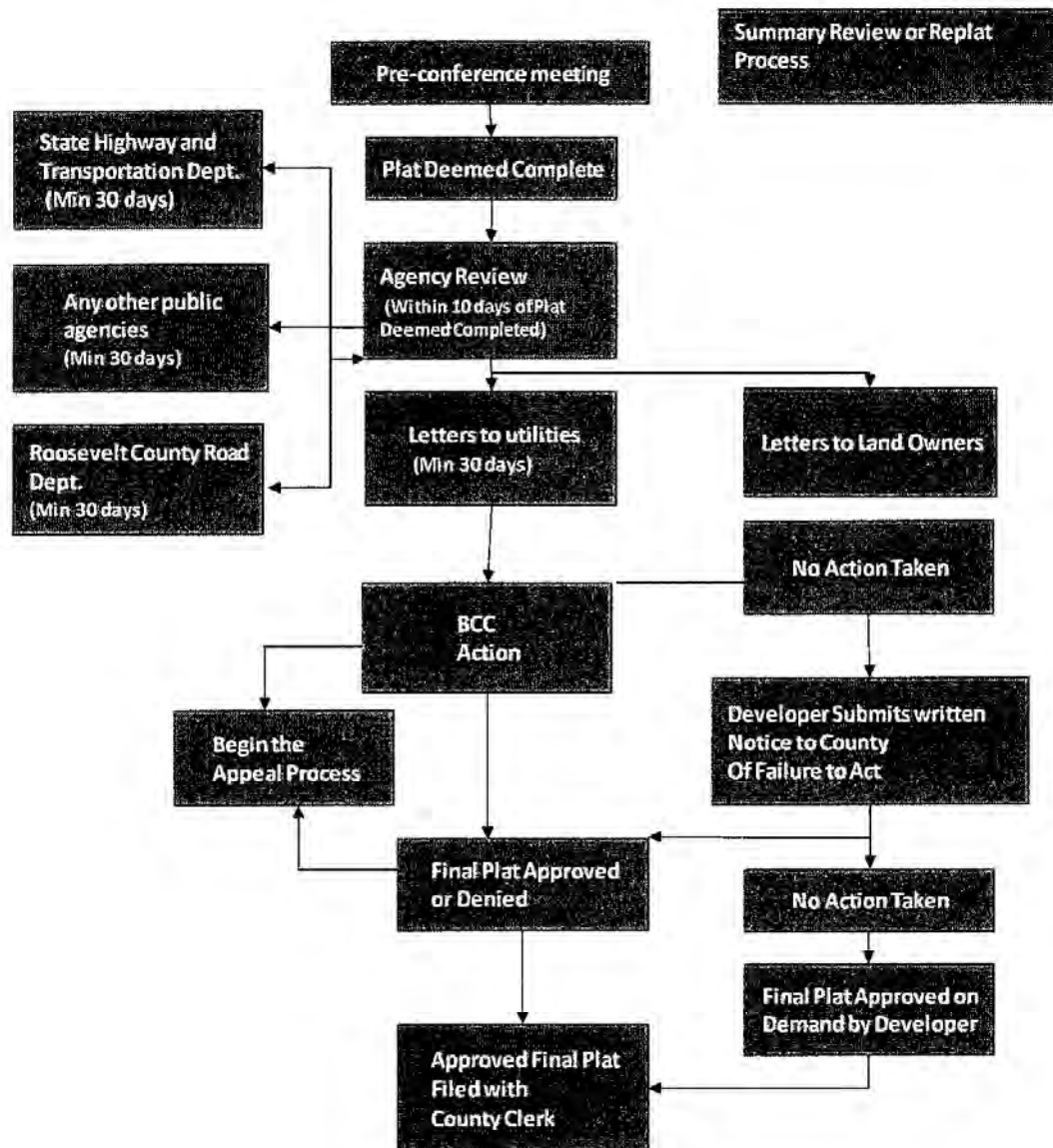
42. PUBLIC TRANSPORTATION

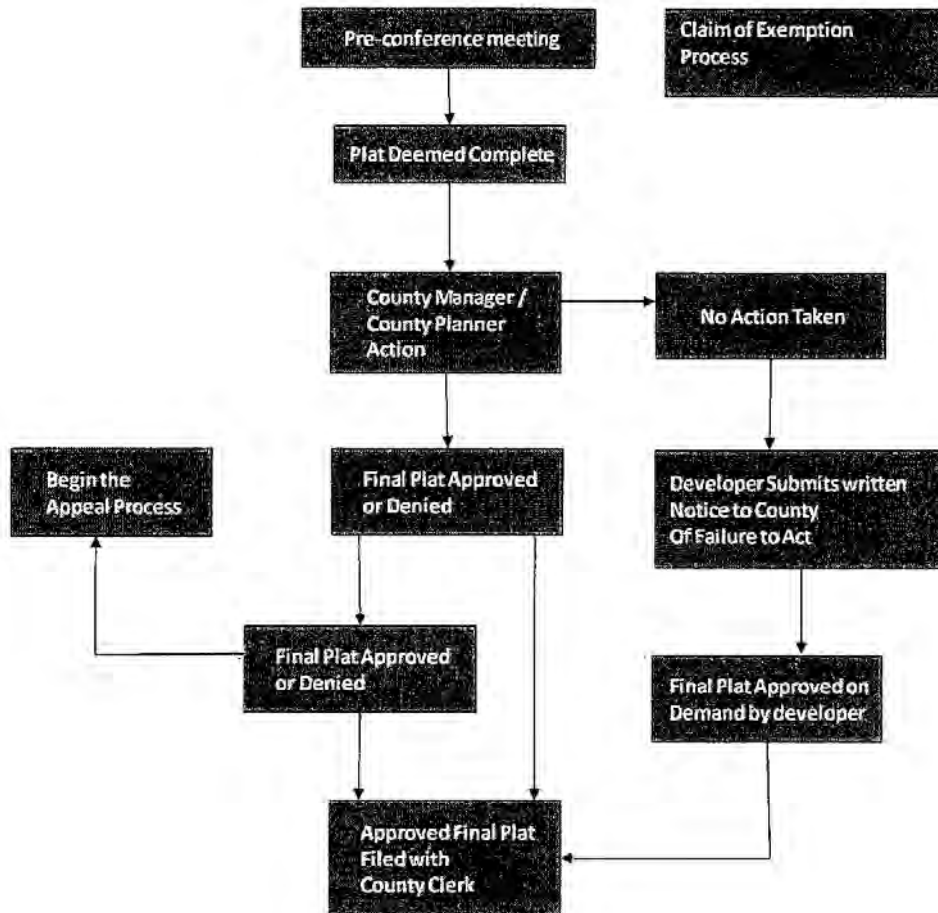
(describe all public transportation that
serves the subdivision on a regular basis)











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