CATRON COUNTY

SUBDIVISION REGULATIONS

Ordinance Number 001-98

May 6, 1998

Done at Reserve, New Mexico, the sixth day of April, 1998

BOARD OF COUNTY COMMISSIONERS
CATRON COUNTY, NEW MEXICO

_________________________________________
JOHN HAND, CHAIRMAN

_________________________________________
CARL LIVINGSTON, MEMBER

ATTEST:

_________________________________________
AUGGIE SHELLHORN, MEMBER

SHARON ARMIJO, CLERK
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CATRON COUNTY SUBDIVISION REGULATIONS
ORDINANCE 001-98

ARTICLE 1. GENERAL PROVISIONS

Title:

This ordinance shall be known and may be cited as the “Catron county Subdivision Regulations” and shall be referred to elsewhere herein as “these regulations”.

Authority

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

Purpose

These regulations are to:

A. Insure a systematic growth of the County, under minimum health standards prescribed by the State of New Mexico and to protect the purchasers of subdivided land through full disclosure from the developer and or subdivider;

B. Set forth procedures to be followed in submitting subdivision plats for approval by the County and minimum development standards acceptable to the County; and,

C. Discourage the subdividing of lots without a master development plan providing for an adequate and safe water system; acceptable system of roads, proper drainage, sewage disposal, solid waste disposal and financial responsibility.

Jurisdiction

(§47-6-29 NMSA 1978)
These regulations shall govern all subdivision of land not within the boundaries of municipalities but within the County. The County and a municipality shall exercise concurrent jurisdiction over the territory within the platting jurisdiction of both the County and the municipality. Nothing in these regulations shall be construed as limiting the municipal extraterritorial subdivision and platting jurisdiction provided for in Section 3-20-1 through 3-20-15 NMSA 1978.

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

**Subdivision Regulation; County Authority**

(§47-6-9- NMSA 1978)

A. The Board of County Commissioners of each county shall regulate subdivisions within the county’s boundaries. In regulating subdivisions, the Board of County Commissioners of each county shall adopt regulations setting for the county’s requirements for;

(1) preliminary and final subdivision plats, including their content and format;

(2) quantifying the maximum annual water requirements of subdivisions, including water for indoor and outdoor domestic uses;

(3) assessing water availability to meet the maximum annual water requirements of subdivisions;

(4) water conservation measures;

(5) water of an acceptable quality for human consumption, and for protecting the water supply from contamination;

(6) liquid waste disposal’

(7) solid waste disposal;

(8) legal access to each parcel’

(9) sufficient and adequate rods to each parcel, including ingress and egress for emergency vehicles;

(10) utility easements to each parcel’

(11) terrain management’

(12) phased development

(13) protecting cultural properties, archaeological sites and unmarked burials, as required by the Cultural Properties Act [18-6-1 to 18-6-17 NMSA 1978];

(14) specific information to be contained in a subdivider’s disclosure statement in addition to that required in Section 47-6-17 NMSA 1978;
reasonable fees approximating the cost to the county of determining compliance with the New Mexico Subdivision Act and these regulations while passing upon subdivision plats;

(16) a summary procedure for reviewing certain type three and all type five subdivisions as provided in Section 47-6-1 NMSA 1978;

(17) recording all conveyances of parcels with the County Clerk;

(18) financial security to assure the completion of all improvements that the subdivider proposes to build or to maintain;

(19) fencing subdivided land, where appropriate, in conformity with Section 77-16-1 NMSA 1978, which places the duty on, the purchaser, lessee, or other person acquiring an interest in the subdivided land to fence out livestock; and,

(20) any other matter relating to subdivisions that the board of County Commissioners, feels is necessary to promote health, safety, or the general welfare.

B. Subsection A of this section does not preempt the authority of any state agency to regulate or perform any activity that it is required or authorized by law to perform.

C. Nothing in the New Mexico Subdivision Act shall be construed to limit the authority of counties to adopt subdivision regulations with requirements set forth in the New Mexico Subdivision Act, provided the county had adopted a comprehensive plan in accordance with Section 3-21-5 NMSA 1978 and those regulations are consistent with such plan.

ARTICLE 2. DEFINITIONS

A. “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, niece; whether related by natural birth or adoption;

B. “lease” means to lease or offer to lease land;

C. “parcel” means land capable of being described by location and boundaries and not dedicated for public or common use;

D. “person” means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity;
E. “final plat” means a map, chart, survey, plan, or replat certified by a licensed, registered land surveyor containing a description of the subdivided land with ties to permanent monuments prepared in a form suitable for filing of record.

F. “preliminary plat” means a map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing condition in and around it, and need not be based upon an accurate and detailed survey of the land;

G. “sell” means to sell or offer to sell land;

H. “subdivide” means to divide a surface area of land into a subdivision;

I. “subdivider” means 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;

J. “subdivision” means the division of a surface area of land, including land within a previously approved subdivision, into two (2) or more parcels for the purpose of sale, lease, or other conveyance, or for building development, whether immediate or future; but “subdivision” does not include:

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

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

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

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

5. the division of land created by court order where the order creates no more than one (1) parcel per party;

6. the division of land for grazing or farming activities provided the land continues to be used for grazing or farming activities;
(7) the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;

(8) the division of land to created 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 (1) parcel per tract of land per immediate family member;

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

(11) the sale, lease, or other conveyance of land that creates no parcel smaller than 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 Section 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; or,

(13) the sale, lease, or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five-year (5) period; provided that a second or subsequent sale, lease, or other conveyance from the same tract of land within five-years (5) 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 filled with the County Clerk indicating the five-year (5) holding period for both the original tract and the newly created tract.

K. “terrain management” means the control of floods, drainage and erosion, and measures required for adapting proposed development to existing soil characteristics and topography;

L. “time of purchase, lease, or other conveyance” means the time of signing any document obligating the person signing the document to purchase, lease, or otherwise acquire a legal interest in land;

M. “common promotional plan” means any plan or scheme or 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 contiguous or part of the same
area of land or is known, designated or advertised as a common unit or by a common name;

N.  “type-one subdivision” means any subdivision containing five hundred (500) or more parcels, any one of which is less than ten (10) acres in size;

O.  ”type-two subdivision” means any subdivision containing not fewer than twenty-five (25) but not more than four hundred ninety-nine (499) parcels, any one of which is less than ten (10) acres in size;

P.  “type-three subdivision” means any subdivision containing not more than twenty-four (24) parcels, any one of which is less than ten (10) acres in size;

Q.  “type-four subdivision” means any subdivision containing twenty five (25) or more parcels, each of which is ten (10) acres or more in size; and,

R.  “type-five subdivision” means any subdivision containing not more than twenty-four (24) parcels, each of which is ten (10) acres or more in size.

ARTICLE 3.  SPECIAL PROCEDURES

Acceptance of Public Lands

Approval of a subdivision by the County Commission constitutes dedication of streets, alleys, and other public ways or easements, and parks, or other public lands designated on the plat for public use.  Subdivision approval does not constitute acceptance of said dedicated property for ownership or maintenance by the County.  Roads shall be deeded in fee for public use but may not be required to be dedicated to the County.  The roads may be deeded in fee to a property owners association.  Acceptance for maintenance by the association requires an application by the subdivider or property owner for such maintenance to the County Commission, and specific action by the County Commission for such acceptance for maintenance.

Fees

To defray the cost to the County of determining compliance with the New Mexico Subdivision Act and these regulations while passing upon subdivision plats, the following non-refundable fees shall be paid to the commission at the time of submitting the Preliminary Plat.  The fees will be determined by the following schedule:

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Any other cost associated with administration of subdivisions will be assessed based on actual cost of processing, inspection, and enforcement.

**Use of Fees**

(§47-6-28 NMSA 1978)

All fees collected by a county for passing upon subdivision plats shall be deposited in the county general fund.

**Development**

If the proposed plat is the first part of the larger scale development, or a mixed use development, or if the proposed development is in a flood plain, or the Commission in its discretion believes submission of a development plan to be advisable, then the proposed plat shall not be considered by the County Commission until a development plan has been submitted for approval by the County Commission.

**Phased Development**

For only type one, type two, type four subdivisions, the County Commission may grant approval of phased development within a subdivision contingent upon the subdivider submitting for approval a definite schedule of completion for all subdivision construction improvements for each development of the initial phase as a condition for approval of subsequent phases. A subdivider may develop a subsequent subdivision only after the sale of 65% of the lots in the initial phase and also executing a written agreement with the Commission guaranteeing completion of all developments in the approved subdivision application. A subdivider may sell lots in the subsequent phase only after the sale of 85% of the lots in the initial phase. Not more than 25% of the lots in a subsequent phase may be sold unless 100% of the improvements are completed in the preceding phase.

**Succeeding Subdivisions**

(§47-6-16 NMSA 1978)

Any proposed subdivision may be combined and upgraded for classification purposes by the board of County Commissioners with a previous subdivision if the proposed subdivision includes:
A. a part of a previous subdivision that has been created in the proceeding seven-year (7) period; or,

B. any land retained by a subdivider after creating a previous subdivision when the previous subdivision was created in the preceding seven-year (7) period.

**Miscellaneous Provisions**

A. Regulation of manufactured or mobile homes and mobile home parks. Subdivided land which is sold or leased for manufacture homes or mobile homes will be governed by these regulations. Overnight rental spaces for recreational vehicles and travel trailers, are not subdivision for the purposes of this ordinance.

**Variances**

A. Variances are considered extraordinary exceptions to these regulations and are to be granted sparingly, only under peculiar and exceptional circumstances, to render justice in unique and individual cases. Variances may be granted only upon proof by a preponderance of evidence that the subdivision regulation at issue affects that property exceptionally more harshly than other properties under the regulation and thus creates a particular hardship, depriving the subdivider of a reasonable return. A mere showing that the subdivider might receive a greater profit if the variance is granted is not sufficient justification in itself for granting the variance.

B. Conditions and limitations: A variance shall not be granted which will cause the County to absorb costs over and above those typically associated with subdivision approval. In granting variances, the County Commission may require such conditions as will:

1. 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. Procedures: The following procedures and requirements shall apply to all requests for variances under these regulations.

1. Requires for variances shall be submitted in writing at the time of request for preliminary plat approval on a form provided by the County Commission for that purpose.

2. Variances requests shall be reviewed by the County Commission in public hearings at the same time public hearings are held for approval of the preliminary plat.
D. Notice of the request for variance shall be given in the same manner as notice is provided for any public hearing required in these regulations and shall comply with the requirements of the Open Meetings Act of the State of New Mexico.

E. Variance requests shall be submitted by the County to the State or other reviewing agency having expertise with respect to the subject matter for which the variance is sought, and shall be governed by the same time limits as preliminary plat approval.

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

G. 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.
COUNTY SUBDIVISION REGULATIONS
APPLICATION FOR A VARIANCE

INSTRUCTIONS

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 complete application package must be submitted to the Office of the Catron County Manager by the subdivider or a designated agent and shall be in compliance with the requirements of the County Subdivision Regulations.

APPLICANT INFORMATION

1. Subdivider Name: _________________________________
   Address: _________________________________________
   _________________________________________
   Phone Number: _________________________________
   Signature: _______________________________________
   Date: __________________________________________

2. Engineer/Surveyor Name: ______________________________
   Address: _________________________________________
   _________________________________________
   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.

FOR OFFICIAL USE ONLY

PROCEDURAL INFORMATION (To be complete by County Staff)

6. Date application received by County: ____________________________

7. Date of public hearing: ______________________________________

8. Date of Variance approval by County: ___________________________

9. Commitments: ________________________________________________

________________________________________________________________

________________________________________________________________
Vacation of Plats; Approval, Duties of County Clerk; Effect

(§47-6-7 NMSA 1978)

A. Any final plat filed in the Office of the County Clerk may be vacated or a portion of the final plat may be vacated if:

   (1) 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,

   (2) the statement is approved by the board of County Commissioners of the County within whose platting authority the vacated portion of the subdivision is located.

B. In approving the vacation of all or a part of a final plat, the Board of County Commissioners shall determine whether or not the vacation will adversely affect the interests of persons on contiguous land or 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 streets dedicated to the County in the final plat continue to be dedicated to the County. The owners of parcels on the vacated portion of the final plat may enclose in equal proportions the adjoining streets and alleys that are authorized to be abandoned.

C. Approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk in which the final plat is filed. The County Clerk shall mark the final plat with the works “Vacated” or “Partially Vacated” and refer on the final plat to the volume and page on which the statement of vacation is recorded.

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

ARTICLE 4. ENFORCEMENT, PENALTIES, AND REMEDIES

Advertising Standards

(§ 47-6-18 NMSA 1978)

A. Brochures, disclosure statements, publications, and advertising of any form relating to subdivided land shall.

   (1) not misrepresent or contain false or misleading statements of fact;
(2) not describe deeds, title insurance, or other items including a transaction as “free”, and shall not state that any lot or parcel is “free” or given as a “award” or “prize” if any consideration is required for any reason;

(3) not describe lots or parcels available for “closing costs only” or similar terms unless all such costs are accurately and completely itemized or when additional lots must be purchased at a higher price;

(4) not include an asterisk or other reference symbol as a means of contradicting or substantially changing any statement;

(5) disclose that individual lots or parcels are not identifiable when such is the case;

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

(7) not contain artists’ conceptions of the subdivision or any facilities within it unless clearly described as such, and shall not contain maps unless accurately drawn to scale and the scale indicated;

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

B. Copies of all brochures, publications, and advertising relating to subdivided land shall be filed with the Board of County Commissioners of the county in which the subdivision is located and with the Attorney General within fifteen (15) days after initial use by the subdivider.

County Subdivision Regulations; Hearings; Appeal

(§ 47-6-10 NMSA 1978)

In promulgating subdivision regulations, the Board of County Commissioners shall adhere to the following procedures.

A. Prior to adopting, amending, or repealing any regulation, the Board of County Commissioners shall consult with representatives of the State Engineer’s Office, the Department of Environment, the Office of Cultural Affairs, all soil and water conservation districts within the County, the New Mexico Department of Transportation, and the Attorney General about the subjects within their respective expertise for which the Board of County Commissioners is considering promulgating a regulation. In the process of the consultation, the representatives of
each of the State agencies shall give consideration to the conditions peculiar to the County and shall submit written guidelines to the Board of County Commissioners for its consideration in formulating regulations. The guidelines:

1. shall be given consideration by the Board of County Commissioners in the formulation of the County’s Subdivision Regulations;

2. shall become a part of the record of any hearing in which regulations are adopted, amended, or repealed, and,

3. may be in such detail as the agency involved desires.

B. A regulation may not be adopted, amended, or repealed until after a public hearing held by the Board of County Commissioners. Notice of the hearing shall be given at least thirty (30) days prior to the hearing date and shall state:

1. the subject of the regulation;

2. the time and place of the hearing;

3. the manner in which interested persons may present their views; and,

4. the place and manner in which interested persons may secure copies of any proposed regulation. The Board of County Commissioners may impose a reasonable charge for the costs of reproducing and mailing of the proposed regulations.

C. The notice shall be published in a newspaper of general circulation in the County.

D. Reasonable effort shall be made to give notice to all persons who have made a written request to the Board of County Commissioners for advance notice of its hearings.

E. The Board of County Commissioners shall give the State Engineer, the Department of Environment, the Office of Cultural Affairs, and the New Mexico Department of Transportation, all soil and water conservation districts within the County, and the Attorney General thirty days’ notice of its regulation hearings.

F. At the hearing, the Board of County Commissioners shall allow all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing, and to examine witnesses testifying at the hearing. The board shall keep a complete record of the hearing proceedings.

G. Representatives from the State Engineer’s Office, the Department of Environment, the Office of Cultural Affairs, all soil and water conservation districts within the County, the New Mexico Department of Transportation, and the Attorney General
shall be given the opportunity to make an oral statement at the hearing and to enter into the record of the hearing a written statement setting forth any comments that they may have about the proposed regulation, whether favorable or unfavorable, when the proposed regulation relates to an issue that is within the agencies’ respective areas of expertise.

H. A regulation is not invalid because of the failure of a state agency to submit a guideline prior to the promulgation of the regulation or because the representative of a state agency did not appear at a public hearing on the regulation or did not make any comment for entry in the hearing record.

I. The Board of County Commissioners shall act on the proposed regulations at the regulation hearings or at a public meeting to be held within thirty days of the hearing on the proposed regulations. Upon adopting, amending or repealing the regulation, the Board of County Commissioners shall include in the record a short statement setting forth the Board’s reasoning and the basis of the Board’s decision, including the facts and circumstances considered and the weight given to those facts and circumstances.

J. Any person heard or represented at the hearing shall be given written notice of the Board’s decision, including the facts and circumstances considered if the person makes a written request to the Board for notice of its decision.

K. A regulation, amendment, or repeal is not effective until thirty days after it is filed with the County Clerk and the State Records Administrator.

L. Any person who is or may be adversely affected by a decision of the Board of County Commissioners to adopt, amend, or repeal a regulation may appeal that decision to the District Court. All appeals shall be upon the record made at the hearing and shall be filed in the District Court within thirty days after the Board of County Commissioners votes to adopt, amend, or repeal the regulation.

M. An appeal is perfected by filing a notice of appeal in the District Court of the County that has adopted, amended, or repealed the regulation. The appellant shall certify in his notice of appeal that arrangements have been made with the Board of County Commissioners for preparation of a sufficient number of manuscripts of the record of the hearing to support his appeal, including one copy that he shall furnish at his own expense to the Board of County Commissioners. A copy of the notice of appeal shall also be served upon the Board of County Commissioners.

N. Upon appeal, the District Court shall set aside the regulation only if it is found to be:

(1) arbitrary, capricious, or an abuse of discretion;

(2) not supported by substantial evidence; or,
(3) otherwise not in accordance with law.

O. Any party to the action in District Court may appeal to the Court of Appeals for further relief.
Adopting, Amending, or Repealing County Subdivision Regulations

BCC Prepares Draft
47-6-9

State Engineer’s Office

New Mexico Environment Department

Office of Cultural Affairs

Agency Consultation and Development of Agency Guidelines
47-6-10

Soil and Water Conservation District

New Mexico Department of Transportation

New Mexico Attorney General

Min 30 days

Notice of Public Hearing

Max 30 days

Public Hearing

Written Notice of Decision to Written Requests
47-6-10J

BCC Action
47-6-101

Appeal
47-6-10L

Max 30 days

File with County Clerk and State Records Administrator

Notice to District Court

District Court Action

Court of Appeals

Regulations in Effect
47-6-10K

Note: 1. BCC = Board of County Commissioners
2. Statutory Date of Compliance with 1995 Act Amendments:
   a. 7-1-96 for Bernalillo, Santa Fe, Dona Ana Counties
   b. 7-1-97 for all other counties

MRGCCG 1/96
Appeals

(§47-6-15 NMSA 1978)

A. Any party who is or may be adversely affected by a decision of the Board of County Commissioners in approving or disapproving a preliminary or final plat may appeal to the District Court of the County in which the subdivision is located within thirty days of the date of the Board’s action.

B. An appeal is perfected by filing a notice of appeal in the district court. A copy of the notice of appeal shall be served upon the board of County Commissioners.

C. Upon appeal, the district court shall set aside the action of the Board of County Commissioners only if it is found to be:

   (1) arbitrary, capricious, or an abuse of discretion;

   (2) not supported by substantial evidence; or

   (3) otherwise not in accordance with law.

D. Any party to the action in District Court may appeal to the Court of Appeals for further relief.

E. Any party who is or may be adversely affected by a decision of a delegate of the Board of County Commissioners in approving or disapproving a final plat under summary review shall appeal the delegate’s decision to the Board of County Commissioners within thirty days of the date of the delegate’s decision. The Board of County Commissioners shall hear the appeal and shall render a decision within thirty days of the date the board receives notice of the appeal. Thereafter, the procedure for appealing the decision of the Board of County Commissioners set out in Subsections A, B, and C of this section shall apply.
Appealing Decisions on Preliminary or Final Plats

Subdivision Types 1,2,3*, 4

| BCC Action  
| Preliminary or Final Plat |
| Max 30 days |
| Notice to District Court |
| District Court Action |
| Court of Appeals |

Subdivision Types 3*, 5

| Delegate Decision  
| Final Plat Summary Review |
| Max 30 days |
| Notice to BCC |
| BCC Action |
| Max 30 days |
| Notice to District Court |
| District Court Action |
| Court of Appeals |

Note: 1. BCC = Board of County Commissioners  
2. Some Type 3 subdivisions qualify for summary review.  
3. If summary review is not delegated then appeal Is from BCC to District Court.

MRGCOG 1/96
Suspension of Right of Sale

(§ 47-6-25 NMSA 1978)

The Board of County Commissioners may suspend or revoke approval of a plat as to the unsold, unleased, or otherwise unconveyed portions of a subdivider’s plat if the subdivider does not meet the schedule of compliance approved by the board.

Attorney General, District Attorneys; Investigation

(§ 47-6-25.1 NMSA 1978)

A. If the Attorney General or a District Attorney has reasonable cause to believe that a person has information or may be in possession, custody, or control of any document or other tangible object relevant to a civil investigation for violation of the New Mexico Subdivision Act, the Attorney General or the District Attorney, or both, may before bringing any action apply to the District Court of Santa Fe County, or any county where the District Attorney has his/her office, for approval of a civil investigative demand, demanding, in writing, such person to appear and be examined under oath, to answer written interrogatories under oath or to produce the document or object for inspection and copying. The demand shall:

1. be served upon the person in the manner required for service of process in this state or, if the person cannot be found or does not reside or maintain a principal place of business within this state, in the manner required for service of process in the state in which the person resides, maintains a principal place of business or can be found;
2. describe the nature of the conduct under investigation;
3. describe the class of documents or objects with sufficient definiteness to permit it to be fairly identified if the production of documents or objects is requested;
4. contain a copy of the written interrogatories if answers to written interrogatories are sought;
5. prescribe a reasonable time at which the person shall appear to testify or within which the document or object must be produced;
6. specify a place for the taking of testimony or for production of the document or object and designate a person who may be an authorized employee of the Attorney General or District Attorney to be custodian of the document or object; and
7. contain a copy of Subsections C through E of this section.
B. No demand to produce a document or object for inspection and copying shall contain any requirement that would be unreasonable or improper if contained in a subpoena duces tecum issued in a civil proceeding by a District County of this state. The District Court shall approve the demand if it finds that the Attorney General or District Attorney has reasonable cause to believe that a person has information or may be in possession, custody or control of any document or other tangible object relevant to a civil investigation for violation of the New Mexico Subdivision Act or these regulations and that the demand is proper in form. A demand shall not be issued without approval of the District Court.

C. If a person fails to comply with the written demand served upon him/her under the provisions of Subsection A of this section, the Attorney General or District Attorney may file a petition for an order to enforce the demand in the District Court of the county in which the person resides or is which he/she maintains a principal place of business within this state or of the county of Santa Fe if the person neither resides nor has a principal place of business in this state. Notice of hearing on the petition and a copy of the petition and a copy of the petition shall be served upon the person, who may appear in opposition to the petition. If the court finds that the demand is proper in form and there is reasonable cause to believe that the person has information or may be in possession, custody, or control of any document or other tangible object relevant to a civil investigation for violation of the New Mexico Subdivision Act, the court shall order the person to comply with the demand, subject to any modification that the court may prescribe. Upon motion by the person and for good cause shown, the court may make any further protective order in the proceedings that justice requires.

D. Prior to the filing of an action under the provisions of the New Mexico Subdivision Act for the violation under investigation, any testimony taken or material produced under this section shall be kept confidential by the Attorney General or District Attorney unless confidentiality is waived by the person being investigated and the person who has testified, answered interrogatories or produced material, or unless disclosure is authorized by the court. Any testimony taken or material produced under this section shall be open to inspection only to the Attorney General or District Attorney, and the person upon whom the demand for which inspection is sought has been served, unless otherwise ordered by the court.

E. Any person compelled to appear under this section and required to testify under oath may be accompanied, represented, and advised by counsel. An objection may properly be made, received and entered upon the record when it is claimed that the person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege.
Injunctive Relief; Mandamus

(§ 47-6-26 NMSA 1978)

A. 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 county subdivision regulations:

(1) injunctive relief to prohibit a subdivider from selling, leasing, or otherwise conveying an interest in subdivided land until he/she complies with the terms of the New Mexico Subdivision Act and county subdivision regulations;

(2) mandatory injunctive relief to compel compliance by any person with the provisions of the New Mexico Subdivision Act and county subdivision regulations;

(3) 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 county subdivision regulations; or

(4) a civil penalty of up to five thousand dollars ($5,000.00) for each parcel created in knowing, intentional, or willful material violation of the New Mexico Subdivision Act or county subdivision regulations.

B. 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 pursuant to the provisions of the New Mexico Subdivision Act.

C. In any action by the Attorney General pursuant to the New Mexico Subdivision Act, venue shall be proper in the District Court of any county where all or part of the land is situated or the District Court of the county where the defendant resides.

D. Nothing in this section shall be construed as limiting any common-law right of any person in any court relating to subdivision.

Criminal Penalties

(§ 47-6-27.1 NMSA 1978)

A. 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 ($10,000.00) per violation, or by imprisonment for not more than one (1) year, or both.

B. 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 ($25,000.00) per violation or by imprisonment for not more than eighteen months, or both.

Private Remedies

(§ 47-6-27.1 NMSA 1978)

A. Any sale, lease, or other conveyance of land within a subdivision subject to the New Mexico Subdivision Act [this article], which subdivision has not been approved by the Board of County Commissioners, shall be avoidable 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 conveyor of the subdivided land. The action shall be brought within six (6) 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 New Mexico Subdivision Act or any county subdivision regulations may bring any 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 (6) 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 prevailing 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.

Approval Necessary for Utility Connection

(§ 47-6-27.2 NMSA 1978)

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 ($500.00) by the Board of County Commissioners. The Board of County Commissioners may also require any utility connected in violation of this section to be disconnected.

ARTICLE 5. TYPE ONE SUBDIVISION

Definition

Type-one subdivision means any subdivision containing five hundred or more parcels, any one of which is less than ten acres in size.

Pre-Application Procedure

A. Previous to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the reviewing staff and/or County personnel to become acquainted with these Land Subdivision Regulations. At this application conference the subdivider shall be advised of the following:

(1) Submittals required by these regulations in the filing of an application for approval of preliminary plat.

(2) A determination will be made as to the type and/or class of the proposed subdivision.

(3) Individuals and/or agencies that shall review the required submittals.

(4) The required improvements.

B. The subdivider shall bring a sketch plan to the pre-application conference, as well as a draft of a disclosure statement, as required by the New Mexico Subdivision Act and these regulations. After conferring with the subdivider and reviewing the sketch plan and draft disclosure statement, the reviewing staff and/or County personnel shall determine the type of subdivision proposed, as defined in the New Mexico Subdivision Act and these regulations, and shall further inform the
subdivider concerning the feasibility of the proposed subdivision pursuant to the New Mexico Subdivision Act and these regulations. The subdivider may then elect to proceed with the complete preliminary plat application or may revise his subdivision plans and schedule a second pre-application conference.

Pre-Application Data

A. Pre-Application Data Requirements

(1) Sketch plan: A sketch plan shall be prepared by the subdivider which shows the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area.

(2) Additional information: In addition to the sketch plan and location map, the subdivider shall provide information including the following:

(a) name and mailing address of the subdivider and designated agent, if any;
(b) name of owner or owners of land to be subdivided;
(c) a written description of the proposed subdivision;
(d) a description of surrounding land uses; and
(e) accessibility of site to roads and utilities.

Preliminary Plat Review Process

(§ 47-6-11 NMSA 1978)

A. Preliminary plat shall be submitted for type-one subdivisions.

B. Prior to approving the preliminary plat, the Board of County Commissioners of the county in which the subdivision is located shall require that the subdivider furnish documentation of:

(1) water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;

(2) water of an acceptable quality for human consumption and measures to protect the water supply from contamination;

(3) the means of liquid waste disposal for the subdivision;
(4) the means of solid waste disposal for the subdivision;

(5) satisfactory roads to each parcel, including ingress and egress for emergency vehicles and utility easements to each parcel;

(6) terrain management to protect against flooding, inadequate drainage, and erosion; and

(7) protections for cultural properties, archaeological sites, and unmarked burials that may be impacted directly by the subdivision, as required by the Cultural Properties Act [§ 18-6-1 to 18-6-17 NMSA 1978]

C. In addition to the requirements of Subsection B of this section, prior to approving the preliminary plat, the Board of County Commissioners of the County in which the subdivision is located shall:

(1) determine whether the subdivider can fulfill the proposals contained in his disclosure statement required by Section 47-6-17 NMSA 1978, and

(2) determine whether the subdivision will conform with the New Mexico Subdivision Act and the county’s subdivision regulations.

D. The Board of County Commissioners shall not approve the preliminary plat if the subdivider cannot reasonably demonstrate that he can fulfill the requirements of subsection B and C of this section.

E. Any subdivider submitting a preliminary plat for approval shall submit sufficient information to the Board of County Commissioners to permit the board to determine whether the subdivider can fulfill the requirements of Subsection B and C of this section.

F. In determining whether a subdivider can fulfill the requirements of Subsections B and C of this section, the Board of County Commissioners shall, within ten days after the preliminary plat is deemed complete, request opinions from:

(1) the State Engineer to determine:

(a) whether the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses; and,

(b) whether the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality;

(2) the Department of Environment to determine:
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];

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 [Chapter 74, Article 6 NMSA 1978] and the Solid Waste Act [74-9-1 NMSA 1978]; and

whether the subdivider can fulfill the proposals contained in his/her disclosure statement concerning water quality and concerning liquid and solid waste disposal facilities;

the New Mexico Department of Transportation to determine whether the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations promulgated pursuant to Section 67-3-16 NMSA 1978;

the Soil and Water Conservation District to determine:

whether the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage, and erosion;

whether the subdivider can fulfill the proposals contained in his disclosure statement concerning terrain management; and

such other public agencies as the county deems necessary, such as local school districts and fire districts, to determine whether there are adequate facilities to accommodate the proposed subdivision.

G. If, in the opinion of each appropriate public agency, a subdivider can fulfill the requirements of Subsection F of this section, then the Board of County Commissioners shall weigh these opinions in determining whether to approve the preliminary plat at a public hearing to be held in accordance with Section 47-6-14 NMSA 1978.

H. If, in the opinion of the appropriate public agency, a subdivider cannot fulfill the requirements of Subsection F of this section, or if the appropriate public agency does not have sufficient information upon which to base an opinion on any one of these subjects, the subdivider shall be notified of this fact by the Board of County Commissioners, and the procedure set out below shall be followed:
(1) if the appropriate public agency has rendered an adverse opinion, the Board of County Commissioners shall give the subdivider a copy of the opinion;

(2) the subdivider shall be given thirty (30) days from the date of notification to submit additional information to the public agency through the Board or County Commission; and

(3) the public agency shall have thirty (30) days from the date the subdivider submits additional information to change its opinion, or issue a favorable opinion when it has withheld one because of insufficient information. No more than thirty (30) days following the date of the expiration of the thirty-day (30) period, during which the public agency reviews any additional information submitted by the subdivider, the Board of County Commissioners shall hold a public hearing in accordance with Section 47-6-14 NMSA 1978 to determine whether to approve the preliminary plat. Where the public agency has rendered an adverse opinion, the subdivider has the burden of showing that the adverse opinion is incorrect either as to factual or legal matters.

Preliminary Plat Data

A. Preliminary Plat Format: As part of the application for preliminary a plat approval, the subdivider shall submit twelve blueline copies of the preliminary, which shall be drawn at a scale agreed upon at the pre-application meeting. The scale shall be at the proper scale to show information in a clear manner. The preliminary plat shall be presented on a sheet or sheets twenty-four (24) inches wide by thirty-six (36) inches long within which are borders one-half (1/2) inch wide on all sides. Where necessary, the plat may be more than one sheet, provided that if by an index sheet of the same size, showing the entire subdivision.

B. Preliminary Plat Content: The plat shall show all proposals, including but not limited to the following:

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

(2) Streets, names, right-of-ways widths, approximate grades over 6%, distance between intersections, and curve radii.

(3) Proposed right-of-way easements, location, width, and purpose.

(4) Approximate lot dimensions, lot, and block numbers.
(5) Sites to be reserved or dedicated for public use. If roads are to be private, this should be stated on the plat, as well as information concerning responsibility for maintenance of the road.

(6) Site date, total acreage, the number of lots, the minimum and typical lot area, and the acreage proposed for public use, if any.

(7) A disclosure statement in accordance with the New Mexico Subdivision Act and these regulations.

C. Supplementary Plan and Data: All plans shall contain the subdivider’s name and address and the disclosure statement and a schedule of compliance. Any variance requested to any of these plans shall be filed with the preliminary plat. Plans must contain:

(1) Water Plan.

(2) Water Quality Plan.

(3) Liquid Waste Plan.

(4) Solid Waste Plan.

(5) Road Development and Design Plan.

(6) Terrain Management Plan.

(7) Cultural Properties Plan.
Preliminary Plat Review for Subdivision Types 1, 2, 3*, 4

1. BCC=Board of County Commissioners
2. Some Type 3 Subdivisions qualify
3. For summary review.

MRGCOWG
1/96
Disclosure

(§ 47-6-17 NMSA 1978)

A. Prior to selling, leasing, or otherwise conveying any land in a subdivision, the subdivider shall disclose in writing such information as the Board of County Commissioners requires, by regulations, to permit the prospective purchaser, lessee, or other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease, or other conveyance of the land.

B. The disclosure statement for subdivisions with not fewer than five (5) and not more than one hundred (100) parcels shall contain the following information:

1. the name of the subdivision;
2. name and address of the subdivider and the name and address of the person in charge of sales or leasing in New Mexico;
3. total acreage of the subdivision, both present and anticipated;
4. size of the largest and smallest parcels offered for sale, lease, or other conveyance within the subdivision and the proposed range of selling or leasing prices including financing terms;
5. distance from the nearest town to the subdivision and the route over which this distance is computed;
6. name and address of the person who is recorded as having legal and equitable title to the land offered for sale, lease, or other conveyance;
7. a statement of the condition of title including any encumbrances;
8. a statement of all restrictions or reservations of record that subject the subdivided land to any conditions affecting its use or occupancy;
9. name and address of the escrow agent, if any;
10. a statement as to availability and cost of public utilities;
11. a statement describing the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and describing the availability of water to meet the maximum annual water requirements;
12. a statement describing the quality of water in the subdivision available for human consumption;
(13) a description of the means of liquid waste disposal for the subdivision;

(14) a description of the means of solid waste disposal for the subdivision;

(15) a description of the means of water delivery within the subdivision;

(16) the average depth to water within the subdivision if water is available only from subterranean sources;

(17) a description of access to the subdivision;

(18) a statement disclosing whether the roads and other improvements within the subdivision will be maintained by the County, the subdivider, or an association of lot owners and what measures have been taken to ensure that maintenance will take place;

(19) a description of the subdivider’s provisions for terrain management;

(20) a summary, approved by the issuing state agency, of the opinions, if any, whether favorable, or adverse, provided by state agencies to the Board of County Commissioners concerning any one of the points listed above;

(21) a statement that the subdivider shall record the deed, real estate contract, lease, or other instrument conveying an interest in subdivided land with the appropriate County Clerk within thirty (30) days of the signing of such instrument by the purchaser, lessee, or other person acquiring an interest in the land; and,

(22) a statement advising the purchaser, lessee, or other person acquiring an interest in subdivided land that building permits, wastewater permits, or other use permits are required to be issued by state or before improvements are constructed; and that further, he/she is advised to investigate the availability of such permits before purchase, lease, or other conveyance and whether these are requirements for construction of additional improvements before he may occupy the property.

C. The disclosure statement for subdivisions with one (100) hundred or more parcels shall contain all of the information required in Subsection B of this section as well as the following information:

(1) a statement of any activities or conditions adjacent to or nearby the subdivision that would subject the subdivided land to any unusual conditions affecting its use or occupancy;
(2) a description of all recreational facilities, actual and proposed, in the subdivision;

(3) a statement as to the availability of:

(a) fire protection;

(b) police protection;

(c) public schools for the inhabitants of the subdivision, including a statement concerning the proximity of the nearest elementary and secondary schools;

(d) hospital facilities;

(e) shopping facilities; and,

(f) public transportation; and,

(4) a statement setting forth the projected dates upon which any of the items mentioned in this section for which the subdivider has responsibility will be completed if they are not yet completed.

D. Disclosure statements shall be in the form that the Board of County Commissioners, after consultation with the Attorney General, may require by regulations.

E. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act [15 U.S.C. 1701 et seq.] may submit his approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act [disclosure statement]. 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.

F. It is unlawful to sell, lease, or otherwise convey land in a subdivision until:

(1) the required disclosure statement has been filled with the County Clerk, the Board of County Commissioners, and the Attorney General’s Office; and

(2) the prospective purchaser, lessee, or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

**Quantification of Annual Water Requirements**

The following procedures shall be used to quantify the maximum allowable subdivision water use per year, for all subdivisions:
A. Should a subdivider limit the maximum area of irrigated landscape and/or prohibit other outdoor water uses, the subdivider may calculate the maximum annual water requirements for both indoor and outdoor purposes by multiplying the number of parcels by a minimum factor of .35 acre-feet.

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

C. A detailed water demand analysis shall be prepared for 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.

Water Availability Assessment

Water Availability Assessment for All Type-One Subdivisions

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

(1) as a condition of preliminary subdivision plat approval for all type-one subdivisions.

B. The requirements of the water availability assessment as 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 provide a reasonable demonstration that a twenty (20) year supply will be available for the intended purposes of the subdivision, and shall submit a geohydrologic report in accordance with Subsection C.

(2) for subdivisions where the source of supply will be a new surface water diversion and community system permitted pursuant to Section 72-5-1, 72-5-23, or 72-5-24 NMSA 1978, the subdivider shall submit a hydrologic report in accordance with Subsection D.

(3) for subdivisions where the source of supply will be an existing community or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-1, or 72-12-3, the subdivider shall submit a water utility plan in accordance with Subsection E.

(4) for subdivisions where the source of water will be individual domestic wells, or shared wells permitted pursuant to Section 72-12-1, the subdivider
shall provide a reasonable demonstration that a twenty (20) year supply will be available for the intended purposes of the subdivision, and shall submit a geohydrologic report in accordance with Subsection F.

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

1. Geohydrologic reports shall demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for a continuous period of twenty (20) years. These analyses shall take into account the production of existing wells and shall reasonably demonstrate that the subdivision wells, are proposed or as designated, will be capable of producing the full annual demand for at least twenty (20) years.

2. The subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on wells located on contiguous property. Alternately, tests can be conducted on nearby off-site wells on contiguous property if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.

3. The assessment shall include a calculated twenty (20) year schedule of effects on the proposed subdivision’s production well(s) which may result from existing demands and from the increase of ground water withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C(4). Predicted drawdown shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses based upon the Catron County water plan.

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 fifteen (15) percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:
(a) by using the results of acceptable on-site aquifer pump test. The lowest allowable pumping level may be the lowest water level reached during, the test.

(b) by setting the level at the top of the uppermost screened interval.

(c) in wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.

(d) in wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to 70% of the initial water column.

(5) The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including, basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps, and cross-sections shall be included.

D. For new surface water diversions and community water systems using surface water the subdivider shall submit a hydrologic report which meets the following requirements:

(1) The hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the subdivision is physically available. These analyses shall include the following:

(a) narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to groundwater diversion, analyses of relevant historical runoff records, and projected water supply available for the subdivision requirements. Applicable legal or water rights constraints on water availability shall be considered.

(b) if the analysis of the historical runoff record indicates possible shortages in the projected water supply available for the subdivision requirements the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
(c) if a supplemental groundwater supply is proposed, the subdivider shall prepare a geohydrologic assessment in accordance with Subsection C.

E. For community water systems in which existing utility companies are proposed as the source of water supply the subdivider shall submit a water supply plan which meets the following requirements:

(1) For all water utilities:

   (a) name of the utility proposed as the source of supply. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least twenty (20) years. The letter must also state any requirement for the subdivider to provide water rights.

(2) For water utilities other than municipal owned water utilities:

   (a) documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the proposed subdivision for a period no less than twenty (20) years. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least twenty (20) years.

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

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

   (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. For subdivisions where the source of water will be individual domestic wells, or shared wells, permitted under Section 72-12-1 NMSA, the subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements.
(1) Geohydrologic reports shall demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for a continuous period of twenty (20) years. These analyzes shall take into account the production of existing wells and shall reasonably demonstrate that the subdivision wells, as proposed or as designated, will be capable of producing the full annual demand for at least twenty (20) years.

(2) The subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on wells located on contiguous property. Alternately, tests can be conducted on nearby off-site wells on contiguous property if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.

(3) The assessment shall include a calculated twenty (20) year schedule of effects on the proposed subdivision’s production well(s) which may result from existing demands and from the increase of groundwater withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C(4). Predicted drawdown shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses based upon the Catron County water plan.

(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 15 percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:

(a) By using the results of acceptable on-site aquifer pump test. The lowest allowable pumping level may be the lowest water level reached during, the test.

(b) By setting the level at the top of the uppermost screened interval.
(c) in wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.

(d) in wells completed in alluvial aquifers, the lowest practical pumping, water level may be defined by a maximum allowable defined by a maximum allowable drawdown equal to 70% of the initial water column.

(5) The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including, basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps, and cross-sections shall be included.

(6) the geohydrologic report shall also include a calculated twenty (20) year schedule of off-site effects (drawdowns) and an evaluation of stream depletion effects (if applicable) which may result from the increase of groundwater withdrawals for the subdivision. These calculations shall include estimates of future water uses. The report shall identify by ownership and location all existing wells which will either go dry, experience dewatering of thirty (30) percent of their water column or more, or experience an average annual rate of water decline of one (1) foot or more as a consequence of the proposed subdivision’s groundwater diversions. The report shall also identify by name and location all springs, streams, acequias (ditches), canals, and dams, the flows of which will be diminishes by the proposed surface or groundwater diversions. All natural or man-made ponds, lakes, reservoirs, or wetlands that will be impacted shall also be identified.

G. The following manuals contain pertinent information for water and should be encouraged to read them.

WATER CONSERVATION AND QUANTIFICATION OF WATER DEMANDS IN SUBDIVISION—A GUIDANCE MANUAL FOR PUBLIC OFFICIALS AND DEVELOPERS.

CATRON COUNTY WATER PLAN, Catron County, New Mexico
**Water Conservation**

New Mexico State Laws and Federal laws pertaining to water conservation will be complied with, if applicable.

**Water Quality**

Catron County recognizes that the economic and general welfare of people in the County is dependent upon maintenance of adequate supplies of good quality water. The County recognizes that the issues of water availability and water quality are closely linked. The County is committed to efficient use and development of water resources to ensure both sustainability of supply and maintenance of water quality. The County supports the ongoing efforts to prevent contamination of surface and groundwater and to investigate and conduct the appropriate control and remediation of sources of water contamination in the County.

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

(1) The water quality documentation package shall:

   a) state the subdivider’s name and mailing, address;

   b) state the date the package was completed;

   c) state the subdivider’s proposal for meeting the water quality requirements of these guidelines:

   d) be accompanied by a copy of the subdivider’s Disclosure Statement on water quality;

   e) be accompanied by the information listed in Subsections 2, 3, or 4 of this section as applicable to the water supply proposal; and,

   f) be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these guidelines.

(2) The subdivider is advised that the New Mexico Environment Department may, in a letter to the Catron County Commission, recommend further analysis in addition to that required by the County in Section A of these guidelines, should there be evidence to suggest or reason to suspect that water contaminants may exist within the public or private water supply

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system(s) proposed by the subdivider. In this case, the Catron County Commission may require such further analysis as set forth in Section B of these guidelines.

(3) If a new public water supply system (fifteen [15] or more connections) is proposed, the following information shall be submitted as part of the water quality documentation package:

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

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

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

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

(e) maps identifying and showing the location of all identifiable potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed water supply source.

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

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

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

(c) an engineer’s report and preliminary plans for the proposed extensions to the existing water system.
(5) If private water supply systems (cluster wells serving less than fifteen [15]) connections are proposed, the following information shall be submitted as part of the water quality documentation package:

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

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

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

(d) maps identifying and showing the location of all identifiable potential sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.

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

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

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

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

(a) If the level for any of the contaminants listed in Table 2, below, exceeds the SMCL, the subdivider must state in the Disclosure Statement on water quality the name of the contaminant exceeded; the contaminant level; the SMCL of the contaminant; the expected
adverse effects of the contaminant for domestic water use; and, the recommended treatment method to reduce the contaminant level to or below the SMCL.

(3) A water supply source shall not be located at less than the setback distances shown in Table 3, below.

(4) The subdivision Disclosure Statement shall contain a statement describing the quality of water available for domestic use within the subdivision, and describing water quality in layman’s terms relation, to taste, discoloration of clothes, irritation to skin, odor, and degree of hardness of water.

**TABLE 1. – PRIMARY (HEALTH RELATED) CONTAMINANTS**

<table>
<thead>
<tr>
<th>Inorganic (IOC)</th>
<th>MCL</th>
<th>Contaminant</th>
<th>Microbiology</th>
<th>MCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
<td>0.006 mg/l</td>
<td>Giardia lambia (d)</td>
<td>TT (e)</td>
<td></td>
</tr>
<tr>
<td>Arsenic</td>
<td>0.05 mg/l</td>
<td>Legionella (d)</td>
<td>TT (e)</td>
<td></td>
</tr>
<tr>
<td>Asbestos</td>
<td>7 MFL (a)</td>
<td>Standard plate count</td>
<td>TT (e)</td>
<td></td>
</tr>
<tr>
<td>Barium</td>
<td>2 mg/l</td>
<td>Total coliforms</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Beryllium</td>
<td>0.004 mg/l</td>
<td>Turbidity (d)</td>
<td>PS (f)</td>
<td></td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.005 mg/l</td>
<td>Viruses (d)</td>
<td>TT (e)</td>
<td></td>
</tr>
<tr>
<td>Chromium</td>
<td>0.1 mg/l</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Copper</td>
<td>1.3 mg/l</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.2 mg/l</td>
<td>Total trihalomethanes</td>
<td>0.01 mg/l</td>
<td></td>
</tr>
<tr>
<td>Fluoride</td>
<td>4.0 mg/l</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lead</td>
<td>0.015 mg/l</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mercury</td>
<td>0.002 mg/l</td>
<td>Benzene</td>
<td>0.005 mg/l</td>
<td></td>
</tr>
<tr>
<td>Nickel</td>
<td>0.1 mg/l</td>
<td>Carbon tetrachloride</td>
<td>0.005 mg/l</td>
<td></td>
</tr>
<tr>
<td>Nitrate (as N)</td>
<td>10 mg/l</td>
<td>Dibromochloropropane</td>
<td>0.0002 mg/l</td>
<td></td>
</tr>
<tr>
<td>Nitrite (as N)</td>
<td>1 mg/l</td>
<td>o-dichlorobenzene</td>
<td>0.6 mg/l</td>
<td></td>
</tr>
<tr>
<td>Nitrate + Nitrite (both as N)</td>
<td>10 mg/l</td>
<td>p-dichlorobenzene</td>
<td>0.075 mg/l</td>
<td></td>
</tr>
<tr>
<td>Selenium</td>
<td>0.05 mg/l</td>
<td>1, 2-dichloroethane</td>
<td>0.005 mg/l</td>
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</tr>
<tr>
<td>Thallium</td>
<td>0.002 mg/l</td>
<td>1, 1-dichloroethylene</td>
<td>0.007 mg/l</td>
<td></td>
</tr>
<tr>
<td>Radionuclide</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contaminant</td>
<td>MCL</td>
<td>Trans-1, 2-dichloroethylene</td>
<td>0.1 mg/l</td>
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</tr>
<tr>
<td>Gross a particle activity (b)</td>
<td>15 pCi/l</td>
<td>Dichloromethane</td>
<td>0.005 mg/l</td>
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</tr>
<tr>
<td>Radium-226 &amp; -228 (e)</td>
<td>5 pCi/l</td>
<td>1,2-dichloropropane</td>
<td>0.005 mg/l</td>
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<tr>
<td>Strontium-90</td>
<td>8 pCi/l</td>
<td>Ethylbenzene</td>
<td>0.7 mg/l</td>
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<tr>
<td>Tritium</td>
<td>20000 pCi/l</td>
<td>Ethylene dibromide</td>
<td>0.00005 mg/l</td>
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<tr>
<td>Synthetic Organic (SOC)</td>
<td></td>
<td>Monochlorobenzene</td>
<td>0.1 mg/l</td>
<td></td>
</tr>
<tr>
<td>Alachlor</td>
<td>0.002 mg/l</td>
<td>Styrene</td>
<td>0.1 mg/l</td>
<td></td>
</tr>
<tr>
<td>Atrazine</td>
<td>0.003 mg/l</td>
<td>Tetrachloroethylene</td>
<td>0.005 mg/l</td>
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</tr>
<tr>
<td>Disinfection Byproduct</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contaminant</td>
<td>MCL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Volatile Organic (VOC)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contaminant</td>
<td>MCL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>cis-1,2-dichloroethylene</td>
<td>0.07 mg/l</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,2-dichloroethene</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1,1-dichloroethylene</td>
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### SOC (continued)

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>SMCL</th>
<th>Volatile Organic (VOC) (continued)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benzo[a]pyrene</td>
<td>0.0002 mg/l</td>
<td>Toluene 1 mg/l</td>
</tr>
<tr>
<td>Carbofuran</td>
<td>0.04 mg/l</td>
<td>1, 2, 4-trichlorobenzene 0.07 mg/l</td>
</tr>
<tr>
<td>Chlordane</td>
<td>0.002 mg/l</td>
<td>1, 1, 1-trichloroethane 0.2 mg/l</td>
</tr>
<tr>
<td>2, 4-D</td>
<td>0.07 mg/l</td>
<td>1, 1, 2-trichloroethane 0.005 mg/l</td>
</tr>
<tr>
<td>Dalapon</td>
<td>0.2 mg/l</td>
<td>Trichloroethylene 0.005 mg/l</td>
</tr>
<tr>
<td>Di(2-ethylhexyl) adipate</td>
<td>0.4 mg/l</td>
<td>Vinyl chloride 0.002 mg/l</td>
</tr>
<tr>
<td>Di(2-ethylhexyl) phthalate</td>
<td>0.006 mg/l</td>
<td>Xylenes (total) 10 mg/l</td>
</tr>
<tr>
<td>Dinoseb</td>
<td>0.007 mg/l</td>
<td></td>
</tr>
<tr>
<td>Diquat</td>
<td>0.02 mg/l</td>
<td>Methoxychlor 0.04 mg/l</td>
</tr>
<tr>
<td>Endothall</td>
<td>0.1 mg/l</td>
<td>Oxamyl (Vydate) 0.2 mg/l</td>
</tr>
<tr>
<td>Endrin</td>
<td>0.002 mg/l</td>
<td>Pentachlorophenol 0.001 mg/l</td>
</tr>
<tr>
<td>Glyphosate</td>
<td>0.7 mg/l</td>
<td>Picloram 0.5 mg/l</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>0.0004 mg/l</td>
<td>Polychlorinated biphenyls 0.0005 mg/l</td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
<td>0.0002 mg/l</td>
<td>Simazine 0.004 mg/l</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
<td>0.001 mg/l</td>
<td>2, 3, 7, 8-TCCD (Dioxin) 3x10 mg/l (-8)</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene</td>
<td>0.05 mg/l</td>
<td>Toxaphene 0.003 mg/l</td>
</tr>
<tr>
<td>Lindane</td>
<td>0.0002 mg/l</td>
<td>2, 4, 5-TP 0.05 mg/l</td>
</tr>
</tbody>
</table>

#### Notes to Table 1:

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

---

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

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>SMCL</th>
<th>Contaminant</th>
<th>SMCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aluminum</td>
<td>0.05 to 0.2 mg/l</td>
<td>Manganese</td>
<td>0.05 mg/l</td>
</tr>
<tr>
<td>Chloride</td>
<td>250 mg/l</td>
<td>Odor</td>
<td>3 Ton</td>
</tr>
<tr>
<td>Color</td>
<td>15 CU</td>
<td>pH</td>
<td>6.5 to 8.5</td>
</tr>
<tr>
<td>Copper</td>
<td>1.0 mg/l</td>
<td>Silver</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Corrosivity</td>
<td>Non-corrosive</td>
<td>Sodium</td>
<td>100 (a) mg/l</td>
</tr>
<tr>
<td>Fluoride</td>
<td>2.0 mg/l</td>
<td>Sulfate</td>
<td>250 mg/l</td>
</tr>
<tr>
<td>Foaming Agents</td>
<td>0.5 mg/l</td>
<td>TDS</td>
<td>500 mg/l</td>
</tr>
<tr>
<td>Hardness</td>
<td>250 mg/l</td>
<td>Turbidity</td>
<td>5 NTU</td>
</tr>
<tr>
<td>Iron</td>
<td>0.3 mg/l</td>
<td>Zinc</td>
<td>5 mg/l</td>
</tr>
</tbody>
</table>
Note to Table 2:

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

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Tight Sewers</td>
<td>50</td>
<td>25</td>
</tr>
<tr>
<td>Other Sewers</td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Community Liquid Waste Treatment Systems</td>
<td>300</td>
<td>150</td>
</tr>
<tr>
<td>Individual Liquid Waste Treatment System</td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Community Liquid Waste Disposal System</td>
<td>600</td>
<td>300</td>
</tr>
<tr>
<td>Individual Liquid Waste Disposal System</td>
<td>200</td>
<td>100</td>
</tr>
<tr>
<td>Flood Plain</td>
<td>Outside</td>
<td>Outside</td>
</tr>
</tbody>
</table>

### Liquid Waste Plan

For a subdivider to document conformance with the liquid waste disposal requirements of these regulations and the New Mexico Subdivision Act, a liquid waste disposal documentation package shall accompany the preliminary plat submittal.

A. The liquid waste disposal documentation package shall:

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

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

(1) an engineer’s report and preliminary plans for the proposed community
liquid waste system;

(2) maps showing the location of all water supply sources and the fold 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 subdivider proposes individual liquid waste systems, the following
information shall be submitted as part of the liquid waste disposal documentation
package:

(1) a soils investigation report (soil survey, soil borings to a minimum depth of
eight (8) feet, soil test results and analysis of the soil survey, soil boring,
and soil test) 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, delineate the areas of suitable, limited, and prohibitive soil categories as described in Table 5; 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.

**Liquid Waste Disposal Requirements**

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

A. Community liquid waste systems.

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

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

B. Individual liquid waste systems.

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

   (2) Individual liquid waste systems shall not be installed where an existing community liquid waste system is available for use within the subdivision; installed in subdivisions or on lots with sizes less than shown in Table 4; installed in prohibitive soils as shown in Table 5; installed at less than the setback distances shown in Table 6; or, privies (outhouses) or holding tanks if a water supply system is to be used.

   (3) The subdivider shall disclose and covenant that the lots can not be further divided or subdivide to lot sizes smaller than those approved for the subdivision.
TABLE 4. – LOT SIZES FOR INDIVIDUAL LIQUID WASTE SYSTEMS

<table>
<thead>
<tr>
<th>Minimum Average Lot Size for Subdivision</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.00 acres</td>
<td>1.00 acres</td>
</tr>
</tbody>
</table>

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

TABLE 5. – SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE

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

Notes to Table 5:

(a) A soil category is determined by the most limiting soil characteristic.

(b) A suitable soil is a soil suited for the installation and functioning of a conventional disposal system. Conventional disposal systems or alternative disposal systems may be used in suitable soils.

(c) A limiting soil is a soil unsuited for the installation and functioning of a conventional disposal system. Alternative disposal systems are used in limiting soils.

(d) A prohibitive soil is a soil unsuited for the installation and functioning of either a conventional disposal system or an alternative disposal system. Individual liquid waste systems can not be used in prohibitive soils.

TABLE 6. – SETBACK DISTANCE FROM INDIVIDUAL LIQUID WASTE SYSTEMS

<table>
<thead>
<tr>
<th>Object</th>
<th>Required Minimum Setback Distance (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Water Supply System Source</td>
<td>Treatment Unit 50</td>
</tr>
<tr>
<td>Public Water Supply System Source</td>
<td>Disposal System 100</td>
</tr>
<tr>
<td>Edge of Watercourses Except Canals and Arroyos</td>
<td>Treatment Unit 100</td>
</tr>
<tr>
<td>Edge of Unlined Canals and Arroyos</td>
<td>Disposal System 200</td>
</tr>
<tr>
<td>Edge of Lined Canals</td>
<td>Treatment Unit 50</td>
</tr>
<tr>
<td>Public Lakes</td>
<td>Disposal System 100</td>
</tr>
</tbody>
</table>

Notes:

(a) Treatment Unit 50 feet requires additional conditions.
Notes to Table 6:

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

Solid Waste Plan

A. The Catron County Ordinance 003-96 SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE OF CATRON COUNTY, NEW MEXICO shall be followed in developing a solid waste plan.

Road Development and Design Plan

(§ 47-6-19 NMSA 1978)

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

(1) the proposed use of the subdivision;
(2) the period of time before the roads will receive substantial use;
(3) the period of time before construction of homes will commence on the portion of the subdivision serviced by the road;
(4) the county regulations governing phased development; and,
(5) the needs of prospective purchasers, lessees, and other persons acquiring an interest in subdivided land in viewing the land within the subdivision.

B. All proposed roads shall comply to minimum county road standards.

C. The Board of County Commissioners shall not approve the grading or construction of roads unless and until the subdivider can reasonably demonstrate that the roads to be constructed will receive use and that the roads are required to provide access the parcels or improvements within twenty-four (24) months from the date of construction of the road.

D. 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.
Terrain Management Plan

A. Any person seeking approval of a subdivision plat must submit a terrain management plan. No subdivision plat shall be approved unless the terrain management plan has been approved by the Commission. The Commission may approve a terrain management plan if it determines that the plan conforms to the requirements of the New Mexico Subdivision Act and the Catron County Subdivision Regulations.

B. Open Space – The Commission after giving due consideration to the population density in the area may require a subdivider preserve or dedicate a portion of the subdivision for parks, recreation areas or other open space uses.

C. Terrain management plans for type-one subdivision shall contain:

(1) Maps with the following information:
   (a) a vicinity map drawn to a scale approved at the pre-application meeting showing 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 miles of the subdivision.
   (b) a subdivision map drawn to a scale approved at the pre-application meeting.
   (c) the boundaries of the area to be subdivided;
   (d) contours at approved intervals.
   (e) an overlay showing the location of all proposed lots, roads, bridges, water, and erosion control structures, and utility easement in relation to the existing contours;
   (f) a overlay showing the finished contours of the subdivision after the subdivider’s proposals have been implemented using contour intervals equal to or less than those on the existing contour map;
   (g) the location of all cuts and fills;
   (h) the location of all drainage channels, watercourses, water bodies, floodways, flood fringes, and floodplains;
   (i) the location of all areas with major rock outcroppings, slopes over 8% and wooded areas;
(j) the location of all areas which the subdivided intends to revegetate; and,

(k) the location of all areas in which the subdivider intends to preserve vegetation;

(l) design and construction of erosion control structures; revegetation, and stabilization plans shall comply with the District’s standards and specifications for such measures.

(2) A soil survey if available from the Soil Conservation Service 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 or a discussion of the soil types and their suitability for the proposed use.

(3) A surface drainage proposal will be required by the Commission including;

(a) storm drainage computation showing the estimated runoff from the subdivision prior to and following completion of development;

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

(c) all appropriate design details necessary to clearly explain the construction of all necessary water control structures.

(4) A subsurface drainage description including:

(a) an overlay drawn to the scale of the subdivision map locating areas where the seasonal high water table is:

(1) within twelve (12) feet of ground water;

(2) 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 plan setting forth the means of stabilizing all cuts and fill 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/revegetation date for disturbed areas;

(d) installation date of storm drainage systems;

(e) installation date for all roads;

(f) surfacing and or paving date of roads and parking areas;

(g) installation date of recreation structures and other community improvements;

(h) installation date of each utility to be provided;

(8) The legal description of the subdivision including the range, township, and section within which the subdivision is located; and,

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

Cultural Properties Plan

A. Unmarked Human Burials

(1) 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.

(2) All subdividers shall comply with the requirements of 18-6-11.2 NMSA 1978, which prohibits the knowing, willful, and intentional excavation, removal, disturbance, or 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 Office.

B. 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,

(1) if there are no such properties entered in the Register that are within the boundaries of the proposed subdivision, the subdivider shall provide a
(2) 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 subdivider will then consult with the Historic Preservation Division pursuant to the Cultural Properties Act 18-6-1 through 18-6-17 NMSA 1978.

Information Reports

(§ 47-6-21 NMSA 1978)

In determining whether the subdivider can fulfill the requirements of the subdivision and the proposals contained in his disclosure statement the appropriate public agency may request, through the Board of County Commissioners, that the subdivider submit such information as the agency may feel necessary to permit it to make that determination.

Public Agencies Required to Provide Counties With Information

(§ 47-6-20 NMSA 1978)

A. Any public agency receiving a request from the Board of County Commissioners for an opinion pursuant to Section 47-6-11 NMSA 1978 shall furnish the board with the requested opinion within the time period set forth in Subsection A of Section 47-6-22 NMSA 1978. The Board of County Commissioners shall furnish the appropriate public agency with all relevant information that the board has received from the subdivider on the subject for which the board is seeking an opinion. If the public agency does not have sufficient information upon which to base an opinion, the public agency shall notify the board of this fact.

B. All opinion requests mailed by the Board of County Commissioners shall be by certified mail “return receipt requested” Boards of County Commissioners delivering opinion requests shall obtain receipts showing the day the opinion request was received by the particular public agency.

Public Hearings on Preliminary Plats

(§ 47-6-14 NMSA 1978)

The Board of County Commissioners shall adhere to the following requirements concerning public hearings on preliminary plats.

A. Notice of the hearing shall be given at least twenty-one (21) days prior to the hearing date and shall state:
(1) the subject of the hearing;

(2) the time and place of the hearing;

(3) the manner for interested persons to present their views; and,

(4) the place and manner for interested persons to secure copies of any favorable or adverse opinion and of the subdivider’s proposal. The Board of County Commissioners may impose a reasonable charge for the costs of reproducing and mailing the opinions and proposals.

B. The notice shall be published in a newspaper of general circulation in the County.

C. Reasonable effort shall be made to give notice to all persons who have made a written request to the Board of County Commissioners for advance notice of its hearings. Notice shall also be given to any public agency that issued an opinion or withheld an opinion on the basis of insufficient information.

D. Public hearings on preliminary plats shall be held within thirty (30) days from the receipt of all requested public agency opinions where all such opinions are favorable, or within thirty (30) days from the receipt of all requests public agency opinions where all such opinions are favorable, or within thirty (30) days from the date all public agencies complete their review of any additional information submitted by the subdivider pursuant to Section 47-6-11 NMSA 1978. If the Board of County Commissioners does not receive a requested opinion within the thirty-day (30) period, the board shall proceed.

E. At the hearing, the Board of County Commissioners shall allow all interested persons a reasonable opportunity to submit data, views, or arguments, orally in writing, and to examine witnesses testifying at the hearing.

F. The Board of County Commissioners shall approve, approve with conditions, or disapprove the preliminary plat within thirty (30) days of the public hearing at a public meeting of the Board of County Commissioners.

Expiration of Preliminary Plat

(§ 47-6-11.1 NMSA 1978)

A. An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval, or after any additional period of time as may be prescribed by county regulations, not to exceed an additional twelve (12) months. However, if the subdivider proposes to file multiple final plats as provided for under county regulations governing phased development, each filing of a final plat shall extend the expiration of the approved or
conditionally approved preliminary plat for an additional thirty-six (36) months from the date of its expiration or the date of the previously filed final plat, whichever is later. The number of phased final plats shall be determined by the Board of County Commissioners at the time of the approval or conditional approval of the preliminary plat.

B. Prior to the expiration of the approved or conditionally approved preliminary plat, the subdivider may submit an application for extension of the preliminary plat for a period of time not exceeding a total of three years. The period of time specified in this subsection shall be in addition to the period of time provided in Subsection A of this section.

C. 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.

**Final Plat: Description**

(§ 47-6-3 NMSA 1978)

A. Any person desiring to subdivide land shall have a final plat of the proposed subdivision certified by a surveyor registered in New Mexico. The final plat shall:

1. define the subdivision and all roads by reference to permanent monuments;

2. accurately describe legal access to, roads to and utility easements for each parcel, and if the access or easements are based upon an agreement, the recording data in the land records for the agreement;

3. number each parcel in progression, give its dimensions and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting or adjacent to the land; and,

4. delineate those portions of the subdivision that are located in a flood plain.

B. Descriptions of parcels by number and plat designation are valid in conveyances and valid for the purpose of taxation.

**Final Plat Acknowledgment; Affidavit**

(§ 47-6-4 NMSA 1978)

Every 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 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 subdivision lies within the subdivision regulation jurisdiction of the County. A copy of the final plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease, or other conveyance.

**Water Permit Required for Final Plat Approval**

(§ 47-6-11.2 NMSA 1978)

On or after July 1, 1997, before approving the final plat for a subdivision containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, the Board of County Commissioners may require that the subdivider provide a copy of a permit obtained from the State Engineer, issued pursuant to Section 72-5-1, 72-5-23, or 72-5-24 NMSA 1978, or if the subdivision is located within a declared underground water basin, provide a copy of a permit obtained from the State Engineer issued pursuant to those sections, or to Section 72-12-3, or 72-12-7 NMSA 1978, for the subdivision water use. In acting on the permit application, the State Engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. The Board of County Commissioners may elect not to approve the final plat if the State Engineer has not issued a permit for the subdivision water use.

**Schedule of Compliance**

(§ 47-6-24 NMSA 1978)

In approving final subdivision plats, the Board of County Commissioners may require the subdivider to set forth a schedule of compliance with county subdivision regulations that is acceptable to the Board of County Commissioners.

**Dedication for Public Use; Maintenance**

(§ 47-6-5 NMSA 1978)

The final plat shall contain a certificate stating that the Board of County Commissioners 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 or dedications. Upon full conformance with the county road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the Office of the County Clerk or a resolution of acceptance by the Board of County Commissioners is filed in such office.
Approval of Final Plats

(§ 47-6-1.3 NMSA 1978)

A. After the approval or conditional approval of a preliminary plat and prior to the expiration of such plat, the subdivider may prepare a final plat in accordance with the approved or conditionally approved preliminary plat.

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

C. If, at the time of approval of the final plat, any public improvements have not been completed by the subdivider as required by the Board of County Commissioners pursuant to the New Mexico Subdivision Act or county subdivision regulations, the Board of County Commissioners shall, as a condition precedent to the approval of the final plat, require the subdivider to enter into an agreement with the County upon mutually agreeable terms to thereafter complete the improvements at the subdivider’s expense.

Filing With County Clerk; Duties of County Clerk

(§ 47-6-6 NMSA 1978)

The County Clerk shall not accept for filing any final plat subject to the New Mexico Subdivision Act and the County Commission that has not been approved as provided in the New Mexico Subdivision Act and these regulating. Whenever separate documents are to be recorded concurrently with the final plat, the County Clerk shall cross-reference such documents. Preliminary plats shall not be filed with the County Clerk.

Requirements Prior to Sale, Lease or Other Conveyance

(§ 47-6-8 NMSA 1978)

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

A. the final plat has been approved by the Board of County Commissioners and has been filed with the Clerk of the County in which the subdivision is located. Where a subdivision lies within more than one county, the final plat shall be approved by the Board of County Commissioners of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located;
B. the subdivider has furnished the Board of County Commissioners a sample copy of his sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land; and,

C. all corners of all parcels and blocks within a subdivision have been permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

Time Limit on Administrative Action

(§ 47-6-22 NMSA 1978)

A. 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 from the Board of County Commissioners does not receive a requested opinion within the thirty-day (30) period, the board shall proceed in accordance with its own best judgment concerning the subject of the opinion request. 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 were acceptable or unacceptable or adequate or inadequate.

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

C. 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, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate stating that the final plat has been approved.
Final Plat Review for Subdivision Types 1, 2, 3*, 4

Note: 1. BCC= Board of County Commissioners  
2. Some Type 3 Subdivisions qualify for summary review.
Right of Inspection; Rescission

(§ 47-6-23 NMSA 1978)

If the purchaser, lessee or other person acquiring an interest in the subdivided land has not inspected his parcel prior to the time of purchase, subdivided land has not inspected his parcel prior to the time of purchase, lease or other conveyance, the purchase, lease, or other conveyance agreement shall contain a provision giving the purchaser, lessee, or other person acquiring an interest in the subdivided land six (6) months within which to personally inspect his parcel. After making the personal inspection within the six-month period, the purchaser, lessee, or other person acquiring an interest in the subdivided land has the right to rescind the purchase, lease, or other conveyance agreement and receive a refund of all funds paid on the transaction to the seller, lessor, or other conveyor of subdivided land when merchantable title is re vested in the seller, lessor, or other conveyor of subdivided land. Notice of such rescission to the seller, lessor, or other conveyor of subdivided land shall be made in writing and shall be given within three (3) days of the date of personal inspection.

Disclosure Statement Form for Type One Subdivision

DISCLOSURE STATEMENT

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

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

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

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

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

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

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

Building permits, wastewater permits, or other use permits must be issued by state officials before improvements are constructed. You should investigate the availability of such permits before your 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)
   -----------------------------------------------------------------------------------------
5. **SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE, OR CONVEYANCE WITHIN THE SUBDIVISION**

(size of largest parcel in area)

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

(size of smallest parcel in acres)

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

($ = lowest amount) (size of parcel sold, leased, or conveyed)

($ = highest amount) (size of parcel sold, leased, or conveyed)

8. **FINANCING TERMS**

(interest rate)\

(term of loan or contract)

(minimum down payment)

(service charges and/or escrow fees)

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

(closing costs)
(any other information required by the Truth in Lending Act and Regulations if not set forth above)

-----------------------------------------------

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

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

----------------------------------------------------------

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

----------------------------------------------------------

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

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

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

----------------------------------------------------------

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

----------------------------------------------------------

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

11. CONDITION OF TITLE

Include at least the following information where applicable

(number of mortgages)

----------------------------------------------------------

(name and address of each mortgagee)

----------------------------------------------------------

(balance owing on each mortgage

----------------------------------------------------------

(summary of release provisions of each mortgage)

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

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

(balance owing on each real estate contract)

(summary of default provisions of each real estate contract)

(summary of release provisions of each real estate contract)

(statement of any other encumbrances on the land)

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

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

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

13. **ESCROW AGENT**

(name of escrow agent)

(address)

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

<table>
<thead>
<tr>
<th>Name of Entity Providing Service</th>
<th>Estimated Cost/Parcel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
<td></td>
</tr>
<tr>
<td>Gas</td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td></td>
</tr>
<tr>
<td>Liquid Waste Disposal</td>
<td></td>
</tr>
<tr>
<td>Solid Waste Disposal</td>
<td></td>
</tr>
</tbody>
</table>

15. **INSTALLATION OF UTILITIES**

<table>
<thead>
<tr>
<th>Service</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
<td></td>
</tr>
<tr>
<td>Gas</td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
</tr>
<tr>
<td>Liquid Waste Disposal</td>
<td></td>
</tr>
<tr>
<td>Solid Waste Disposal</td>
<td></td>
</tr>
</tbody>
</table>

16. **UTILITY LOCATION**

<table>
<thead>
<tr>
<th>Description</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(If all utilities are to be provided to each parcel in the subdivision, please start here)</td>
<td></td>
</tr>
<tr>
<td>(If utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel)</td>
<td></td>
</tr>
</tbody>
</table>
(state whether each utility will be above ground or underground)

<table>
<thead>
<tr>
<th>Utility</th>
<th>Above ground</th>
<th>Underground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquid waste disposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solid waste disposal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

17. WATER AVAILABILITY

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

(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)

(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 WALLS 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 depth 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 of the source and yield of the surface water supply and any restrictions to which the surface water supply is subject to)

-----------------------------------------------------------------------------------------------------------------------------------

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 NEW MEXICO ENVIRONMENT DEPARTMENT.

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 New Mexico Environment Department’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)

(District’s soil survey for Catron County, if any)

(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)

(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. NEW MEXICO DEPARTMENT OF TRANSPORTATION’S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Department of Transportation 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 subdivision 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 a 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 shipping facilities and route over which that distance is computed)

42. **PUBLIC TRANSPORTATION**

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

END OF DISCLOSURE STATEMENT
ARTICLE 6 TYPE TWO SUBDIVISION

Definition

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

Pre-Application Procedure

A. Previous to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the reviewing staff and/or County personnel to become acquainted with these Land Subdivision Regulations. At this application conference the subdivider shall be advised of the following:

(1) Submittals required by these regulations in the filing of an application for approval of preliminary plat.

(2) A determination will be made as to the type and/or class of the proposed subdivision.

(3) Individuals and/or agencies that shall review the required submittals.

(4) The required improvements.

B. The subdivider shall bring a sketch plan to the pre-application conference, as well as a draft of a disclosure statement, as required by the New Mexico Subdivision Act and these regulations. After conferring with the subdivider and reviewing the sketch plan and draft disclosure statement, the reviewing staff and/or County personnel shall determine the type of subdivision proposed, as defined in the New Mexico Subdivision Act and these regulations, and shall further inform the subdivider concerning the feasibility of the proposed subdivision pursuant to the New Mexico Subdivision Act and these regulations. The subdivider may then elect to proceed with the complete preliminary plat application or may revise his subdivision plans and schedule a second pre-application conference.

Pre-Application Data

A. Pre-Application Data Requirements

1) Sketch plan: A sketch plan shall be prepared by the subdivider which shows the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area.
(2) Additional information: In addition to the sketch plan and location map, the subdivider shall provide information including the following:

(a) name and mailing address of the subdivider and designated agent, if any;
(b) name of owner or owners of land to be subdivided;
(c) a written description of the proposed subdivision;
(d) a description of surrounding land uses; and
(e) accessibility of site to roads and utilities.

Preliminary Plat Review Process

(§ 47-6-11 NMSA 1978)

A. Preliminary plat shall be submitted for type-Two subdivisions.

B. Prior to approving the preliminary plat, the Board of County Commissioners of the county in which the subdivision is located shall require that the subdivider furnish documentation of:

(1) water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
(2) water of an acceptable quality for human consumption and measures to protect the water supply from contamination;
(3) the means of liquid waste disposal for the subdivision;
(4) the means of solid waste disposal for the subdivision;
(5) satisfactory roads to each parcel, including ingress and egress for emergency vehicles and utility easements to each parcel;
(6) terrain management to protect against flooding, inadequate drainage, and erosion; and
(7) protections for cultural properties, archaeological sites, and unmarked burials that may be impacted directly by the subdivision, as required by the Cultural Properties Act [§ 18-6-1 to 18-6-17 NMSA 1978]
C. In addition to the requirements of Subsection B of this section, prior to approving the preliminary plat, the Board of County Commissioners of the County in which the subdivision is located shall:

(1) determine whether the subdivider can fulfill the proposals contained in his disclosure statement required by Section 47-6-17 NMSA 1978, and

(2) determine whether the subdivision will conform with the New Mexico Subdivision Act and the county’s subdivision regulations.

D. The Board of County Commissioners shall not approve the preliminary plat if the subdivider cannot reasonably demonstrate that he can fulfill the requirements of subsection B and C of this section.

E. Any subdivider submitting a preliminary plat for approval shall submit sufficient information to the Board of County Commissioners to permit the board to determine whether the subdivider can fulfill the requirements of Subsection B and C of this section.

F. In determining whether a subdivider can fulfill the requirements of Subsections B and C of this section, the Board of County Commissioners shall, within ten days after the preliminary plat is deemed complete, request opinions from:

(1) the State Engineer to determine:

   (a) whether the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses; and,

   (b) whether the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality;

(2) the Department of Environment to determine:

   (a) 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];

   (b) 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 [Chapter 74, Article 6 NMSA 1978] and the Solid Waste Act [74-9-1 NMSA 1978]; and
(c) whether the subdivider can fulfill the proposals contained in his/her disclosure statement concerning water quality and concerning liquid and solid waste disposal facilities;

(3) the New Mexico Department of Transportation to determine whether the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations promulgated pursuant to Section 67-3-16 NMSA 1978;

(4) the Soil and Water Conservation District to determine:

(a) whether the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage, and erosion;

(b) whether the subdivider can fulfill the proposals contained in his disclosure statement concerning terrain management; and

(5) such other public agencies as the county deems necessary, such as local school districts and fire districts, to determine whether there are adequate facilities to accommodate the proposed subdivision.

G. If, in the opinion of each appropriate public agency, a subdivider can fulfill the requirements of Subsection F of this section, then the Board of County Commissioners shall weigh these opinions in determining whether to approve the preliminary plat at a public hearing to be held in accordance with Section 47-6-14 NMSA 1978.

I. If, in the opinion of the appropriate public agency, a subdivider cannot fulfill the requirements of Subsection F of this section, or if the appropriate public agency does not have sufficient information upon which to base an opinion on any one of these subjects, the subdivider shall be notified of this fact by the Board of County Commissioners, and the procedure set out below shall be followed:

(1) if the appropriate public agency has rendered an adverse opinion, the Board of County Commissioners shall give the subdivider a copy of the opinion;

(2) the subdivider shall be given thirty (30) days from the date of notification to submit additional information to the public agency through the Board or County Commission; and

(3) the public agency shall have thirty (30) days from the date the subdivider submits additional information to change its opinion, or issue a favorable opinion when it has withheld one because of insufficient information. No more than thirty (30) days following the date of the expiration of the thirty-day (30) period, during which the public agency reviews any additional information submitted by the subdivider, the Board of County
Commissioners shall hold a public hearing in accordance with Section 47-6-14 NMSA 1978 to determine whether to approve the preliminary plat. Where the public agency has rendered an adverse opinion, the subdivider has the burden of showing that the adverse opinion is incorrect either as to factual or legal matters.

Preliminary Plat Data

A. Preliminary Plat Format: As part of the application for preliminary a plat approval, the subdivider shall submit twelve blueline copies of the preliminary, which shall be drawn at a scale agreed upon at the pre-application meeting. The scale shall be at the proper scale to show information in a clear manner. The preliminary plat shall be presented on a sheet or sheets twenty-four (24) inches wide by thirty-six (36) inches long within which are borders one-half (1/2) inch wide on all sides. Where necessary, the plat may be more than one sheet, provided that if by an index sheet of the same size, showing the entire subdivision.

B. Preliminary Plat Content: The plat shall show all proposals, including but not limited to the following:

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

(2) Streets, names, right-of-ways widths, approximate grades over 6%, distance between intersections, and curve radii.

(3) Proposed right-of-way easements, location, width, and purpose.

(4) Approximate lot dimensions, lot, and block numbers.

(5) Sites to be reserved or dedicated for public use. If roads are to be private, this should be stated on the plat, as well as information concerning responsibility for maintenance of the road.

(6) Site date, total acreage, the number of lots, the minimum and typical lot area, and the acreage proposed for public use, if any.

(7) A disclosure statement in accordance with the New Mexico Subdivision Act and these regulations.

C. Supplementary Plan and Data: All plans shall contain the subdivider’s name and address and the disclosure statement and a schedule of compliance. Any variance
requested to any of these plans shall be filed with the preliminary plat. Plans must contain:

(1) Water Plan.

(4) Water Quality Plan.

(5) Liquid Waste Plan.

(6) Solid Waste Plan.

(7) Road Development and Design Plan.

(8) Terrain Management Plan.

(9) Cultural Properties Plan.
Preliminary Plat Review for Subdivision Types 1, 2, 3*, 4

Pre-Application Conference Optional

Subdivider Submits Plat And Supporting Documentation 47-6-11

Plat Deemed Complete By BCC

Max 10 days

BCC Transmits Plat and Supporting Documentation to Public Agencies with Request for Opinions 47-6-11F

Max 30 days

Soil and Water Conservation District

Max 30 days after receipt

Other Public Agencies Deemed Necessary By County

Max 30 days after receipt

All Agency Opinions Transmitted to BCC

Path for Each Agency

Favorable Opinion Or No Opinion

Max 30 days only if No Adverse Opinion

Bcc Issues Notice Of Public Hearing To General Public and Public Agencies 47-6-14

Min 21 days

Public Hearing

Max 30 days

BCC Approves, Approves With Conditions, or Disapproves Preliminary Plat

Expiration Period 47-6-11.1

Adverse Opinion 47-6-11H

BCC Notifies Subdivider

Subdivider Submits Additional Information to Agency Through BCC

Agency Issues Opinion

Max 30 days

Public Hearing

Appeal Process 47-6-15

Note: 1. BCC=Board of County Commissioners
4. Some Type 3 Subdivisions qualify
5. For summary review.
Disclosure

(§ 47-6-17 NMSA 1978)

A. Prior to selling, leasing, or otherwise conveying any land in a subdivision, the subdivider shall disclose in writing such information as the Board of County Commissioners requires, by regulations, to permit the prospective purchasers, lessee, or other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease, or other conveyance of the land.

B. The disclosure statement for subdivisions with not fewer than five (5) and not more than one hundred (100) parcels shall contain the following information:

1. the name of the subdivision;
2. name and address of the subdivider and the name and address of the person in charge of sales or leasing in New Mexico;
3. total acreage of the subdivision, both present and anticipated;
4. size of the largest and smallest parcels offered for sale, lease, or other conveyance within the subdivision and the proposed range of selling or leasing prices including financing terms;
5. distance from the nearest town to the subdivision and the route over which this distance is computed;
6. name and address of the person who is recorded as having legal and equitable title to the land offered for sale, lease, or other conveyance;
7. a statement of the condition of title including any encumbrances;
8. a statement of all restrictions or reservations of record that subject the subdivided land to any conditions affecting its use or occupancy;
9. name and address of the escrow agent, if any;
10. a statement as to availability and cost of public utilities;
11. a statement describing the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and describing the availability of water to meet the maximum annual water requirements;
12. a statement describing the quality of water in the subdivision available for human consumption;
(13) a description of the means of liquid waste disposal for the subdivision;

(14) a description of the means of solid waste disposal for the subdivision;

(15) a description of the means of water delivery within the subdivision;

(16) the average depth to water within the subdivision if water is available only from subterranean sources;

(17) a description of access to the subdivision;

(18) a statement disclosing whether the roads and other improvements within the subdivision will be maintained by the County, the subdivider, or an association of lot owners and what measures have been taken to ensure that maintenance will take place;

(19) a description of the subdivider’s provisions for terrain management;

(20) a summary, approved by the issuing state agency, of the opinions, if any, whether favorable, or adverse, provided by state agencies to the Board of County Commissioners concerning any one of the points listed above;

(21) a statement that the subdivider shall record the deed, real estate contract, lease, or other instrument conveying an interest in subdivided land with the appropriate County Clerk within thirty (30) days of the signing of such instrument by the purchaser, lessee, or other person acquiring an interest in the land; and,

(22) a statement advising the purchaser, lessee, or other person acquiring an interest in subdivided land that building permits, wastewater permits, or other use permits are required to be issued by state or before improvements are constructed; and that further, he/she is advised to investigate the availability of such permits before purchase, lease, or other conveyance and whether these are requirements for construction of additional improvements before he may occupy the property.

C. The disclosure statement for subdivisions with one (100) hundred or more parcels shall contain all of the information required in Subsection B of this section as well as the following information:

(1) a statement of any activities or conditions adjacent to or nearby the subdivision that would subject the subdivided land to any unusual conditions affecting its use or occupancy;
(2) a description of all recreational facilities, actual and proposed, in the subdivision;

(3) a statement as to the availability of:

(a) fire protection;
(b) police protection;
(c) public schools for the inhabitants of the subdivision, including a statement concerning the proximity of the nearest elementary and secondary schools;
(d) hospital facilities;
(e) shopping facilities; and,
(f) public transportation; and,

(4) a statement setting forth the projected dates upon which any of the items mentioned in this section for which the subdivider has responsibility will be completed if they are not yet completed.

D. Disclosure statements shall be in the form that the Board of County Commissioners, after consultation with the Attorney General, may require by regulations.

E. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act [15 U.S.C. 1701 et seq.] may submit his approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act [disclosure statement]. 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.

F. It is unlawful to sell, lease, or otherwise convey land in a subdivision until:

(1) the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners, and the Attorney General’s Office; and

(2) the prospective purchaser, lessee, or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

Quantification of Annual Water Requirements

The following procedures shall be used to quantify the maximum allowable subdivision water use per year, for all subdivisions:
A. Should a subdivider limit the maximum area of irrigated landscape and/or prohibit other outdoor water uses, the subdivider may calculate the maximum annual water requirements for both indoor and outdoor purposes by multiplying the number of parcels by a minimum factor of .35 acre-feet.

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

C. A detailed water demand analysis shall be prepared for 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.

**Water Availability Assessment**

**Water Availability Assessment for All Type-Two Subdivisions**

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

(1) as a condition of preliminary subdivision plat approval for all type-two subdivisions.

B. The requirements of the water availability assessment as 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 provide a reasonable demonstration that a twenty (20) year supply will be available for the intended purposes of the subdivision, and shall submit a geohydrologic report in accordance with Subsection C.

(2) for subdivisions where the source of supply will be a new surface water diversion and community system permitted pursuant to Section 72-5-1, 72-5-23, or 72-5-24 NMSA 1978, the subdivider shall submit a hydrologic report in accordance with Subsection D.

(3) for subdivisions where the source of supply will be an existing community or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-1, or 72-12-3, the subdivider shall submit a water utility plan in accordance with Subsection E.

(4) for subdivisions where the source of water will be individual domestic wells, or shared wells permitted pursuant to Section 72-12-1, the subdivider
shall provide a reasonable demonstration that a twenty (20) year supply will be available for the intended purposes of the subdivision, and shall submit a geohydrologic report in accordance with Subsection F.

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

   (1) geohydrologic reports shall demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for a continuous period of twenty (20) years. These analyzes shall take into account the production of existing wells and shall reasonably demonstrate that the subdivision wells, are proposed or as designated, will be capable of producing the full annual demand for at least twenty (20) years.

   (2) the subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on wells located on contiguous property. Alternately, tests can be conducted on nearby off-site wells on contiguous property if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.

   (3) the assessment shall include a calculated twenty (20) year schedule of effects on the proposed subdivision’s production well(s) which may result from existing demands and from the increase of ground water withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C(4). Predicted drawdown shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses based upon the Catron County water plan.

   (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 fifteen (15) percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:
by using the results of acceptable on-site aquifer pump test. The lowest allowable pumping level may be the lowest water level reached during, the test.

(b) by setting the level at the top of the uppermost screened interval.

(c) in wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.

(d) in wells completed in alluvial aquifers, the lowest practical pumping, water level may be defined by a maximum allowable drawdown equal to 70% of the initial water column.

(5) The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including, basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps, and cross-sections shall be included.

D. For new surface water diversions and community water systems using surface water the subdivider shall submit a hydrologic report which meets the following requirements:

(1) The hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the subdivision is physically available. These analyses shall include the following:

(a) narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to groundwater diversion, analyses of relevant historical runoff records, and projected water supply available for the subdivision requirements. Applicable legal or water rights constraints on water availability shall be considered.

(b) if the analysis of the historical runoff record indicates possible shortages in the projected water supply available for the subdivision requirements the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
(c) if a supplemental groundwater supply is proposed, the subdivider shall prepare a geohydrologic assessment in accordance with Subsection C.

E. For community water systems in which existing utility companies are proposed as the source of water supply the subdivider shall submit a water supply plan which meets the following requirements:

(1) For all water utilities:

(a) name of the utility proposed as the source of supply. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least twenty (20) years. The letter must also state any requirement for the subdivider to provide water rights.

(2) For water utilities other than municipal owned water utilities:

(a) documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the proposed subdivision for a period no less than twenty (20) years. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least twenty (20) years.

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

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

(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. For subdivisions where the source of water will be individual domestic wells, or shared wells, permitted under Section 72-12-1 NMSA, the subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements.
(1) geohydrologic reports shall demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for a continuous period of twenty (20) years. These analyzes shall take into account the production of existing wells and shall reasonably demonstrate that the subdivision wells, as proposed or as designated, will be capable of producing the full annual demand for at least twenty (20) years.

(2) the subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on wells located on contiguous property. Alternately, tests can be conducted on nearby off-site wells on contiguous property if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.

(3) the assessment shall include a calculated twenty (20) year schedule of effects on the proposed subdivision’s production well(s) which may result from existing demands and from the increase of groundwater withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C(4). Predicted drawdown shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses based upon the Catron County water plan.

(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 15 percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:

(a) by using the results of acceptable on-site aquifer pump test. The lowest allowable pumping level may be the lowest water level reached during, the test.

(b) by setting the level at the top of the uppermost screened interval.
(c) in wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.

(d) in wells completed in alluvial aquifers, the lowest practical pumping, water level may be defined by a maximum allowable defined by a maximum allowable drawdown equal to 70\% of the initial water column.

(5) The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including, basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps, and cross-sections shall be included.

(6) the geohydrologic report shall also include a calculated twenty (20) year schedule of off-site effects (drawdowns) and an evaluation of stream depletion effects (if applicable) which may result from the increase of groundwater withdrawals for the subdivision. These calculations shall include estimates of future water uses. The report shall identify by ownership and location all existing wells which will either go dry, experience dewatering of thirty (30) percent of their water column or more, or experience an average annual rate of water decline of one (1) foot or more as a consequence of the proposed subdivision’s groundwater diversions. The report shall also identify by name and location all springs, streams, acequias (ditches), canals, and dams, the flows of which will be diminishes by the proposed surface or groundwater diversions. All natural or man-made ponds, lakes, reservoirs, or wetlands that will be impacted shall also be identified.

G. The following manuals contain pertinent information for water and should be encouraged to read them.

WATER CONSERVATION AND QUANTIFICATION OF WATER DEMANDS IN SUBDIVISION—A GUIDANCE MANUAL FOR PUBLIC OFFICIALS AND DEVELOPERS.

CATRON COUNTY WATER PLAN, Catron County, New Mexico
Water Conservation

New Mexico State Laws and Federal laws pertaining to water conservation will be complied with, if applicable.

Water Quality

Catron County recognizes that the economic and general welfare of people in the County is dependent upon maintenance of adequate supplies of good quality water. The County recognizes that the issues of water availability and water quality are closely linked. The County is committed to efficient use and development of water resources to ensure both sustainability of supply and maintenance of water quality. The County supports the ongoing efforts to prevent contamination of surface and groundwater and to investigate and conduct the appropriate control and remediation of sources of water contamination in the County.

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

(1) The water quality documentation package shall:

(a) state the subdivider’s name and mailing, address;

(b) state the date the package was completed;

(c) state the subdivider’s proposal for meeting the water quality requirements of these guidelines:

(d) be accompanied by a copy of the subdivider’s Disclosure Statement on water quality;

(e) be accompanied by the information listed in Subsections 2, 3, or 4 of this section as applicable to the water supply proposal; and,

(f) be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these guidelines.

(2) The subdivider is advised that the New Mexico Environment Department may, in a letter to the Catron County Commission, recommend further analysis in addition to that required by the County in Section A of these guidelines, should there be evidence to suggest or reason to suspect that water contaminants may exist within the public or private water supply
system(s) proposed by the subdivider. In this case, the Catron County Commission may require such further analysis as set forth in Section B of these guidelines.

(3) If a new public water supply system (fifteen [15] or more connections) is proposed, the following information shall be submitted as part of the water quality documentation package:

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

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

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

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

(e) maps identifying and showing the location of all identifiable potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed water supply source.

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

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

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

(c) an engineer’s report and preliminary plans for the proposed extensions to the existing water system.
(5) If private water supply systems (cluster wells serving less than fifteen [15]) connections are proposed, the following information shall be submitted as part of the water quality documentation package:

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

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

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

(d) maps identifying and showing the location of all identifiable potential sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.

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

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

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

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

(a) If the level for any of the contaminants listed in Table 2, below, exceeds the SMCL, the subdivider must state in the Disclosure Statement on water quality the name of the contaminant exceeded; the contaminant level; the SMCL of the contaminant; the expected
adverse effects of the contaminant for domestic water use; and, the recommended treatment method to reduce the contaminant level to or below the SMCL.

(3) A water supply source shall not be located at less than the setback distances shown in Table 3, below.

(4) The subdivision Disclosure Statement shall contain a statement describing the quality of water available for domestic use within the subdivision, and describing water quality in layman’s terms relation, to taste, discoloration of clothes, irritation to skin, odor, and degree of hardness of water.

TABLE 1. – PRIMARY (HEALTH RELATED) CONTAMINANTS

<table>
<thead>
<tr>
<th>Inorganic (IOC)</th>
<th>Microbiology</th>
<th>Contaminant</th>
<th>MCL</th>
<th>Contaminant</th>
<th>MCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
<td></td>
<td>Giardia lambia (d)</td>
<td>0.006 mg/1</td>
<td>Legionella (d)</td>
<td>0.05 mg/1</td>
</tr>
<tr>
<td>Arsenic</td>
<td></td>
<td>Total coliforms</td>
<td>Absent</td>
<td>Total trihalomethanes</td>
<td>0.01 mg/1</td>
</tr>
<tr>
<td>Asbestos</td>
<td></td>
<td>Viruses (d)</td>
<td>TT (e)</td>
<td>Viruses (d)</td>
<td>0.005 mg/1</td>
</tr>
<tr>
<td>Beryllium</td>
<td></td>
<td>Turbidity (d)</td>
<td>PS (f)</td>
<td>Turbidity (d)</td>
<td>0.004 mg/1</td>
</tr>
<tr>
<td>Cadmium</td>
<td></td>
<td>Disinfection Byproduct</td>
<td>Contaminant</td>
<td>Benzene</td>
<td>1.3 mg/1</td>
</tr>
<tr>
<td>Chromium</td>
<td></td>
<td>Total colloforms</td>
<td>Absent</td>
<td>Total colloforms</td>
<td>0.01 mg/1</td>
</tr>
<tr>
<td>Copper</td>
<td></td>
<td></td>
<td></td>
<td>Total colloforms</td>
<td>0.005 mg/1</td>
</tr>
<tr>
<td>Cyanide</td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Fluoride</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Lead</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Mercury</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Nickel</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Nitrate (as N)</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Nitrite (as N)</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Nitrate + Nitrite (both as N)</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Selenium</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Thallium</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Radionuclide</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Gross a particle activity (b)</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Radium-226 &amp; -228 (e)</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Strontium-90</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Tritium</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Synthetic Organic (SOC)</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Alachlor</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Atrazine</td>
<td></td>
<td></td>
<td></td>
<td>Contaminant</td>
<td>MCL</td>
</tr>
</tbody>
</table>

Synthetic Organic (SOC)

| Alachlor | 0.002 mg/1 | Styrene | 0.1 mg/1 |
| Atrazine | 0.003 mg/1 | Tetrachloroethylene | 0.005 mg/1 |
### SOC (continued)

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>SMCL</th>
<th>Volatile Organic (VOC) (continued)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benzo[a]pyrene</td>
<td>0.0002 mg/1</td>
<td>Toluene</td>
</tr>
<tr>
<td>Carbofuran</td>
<td>0.04 mg/1</td>
<td>1, 2, 4-trichlorobenzene</td>
</tr>
<tr>
<td>Chlordane</td>
<td>0.002 mg/1</td>
<td>1, 1, 1-trichloroethane</td>
</tr>
<tr>
<td>2, 4-D</td>
<td>0.07 mg/1</td>
<td>1, 1, 2-trichloroethane</td>
</tr>
<tr>
<td>Dalapon</td>
<td>0.2 mg/1</td>
<td>Trichloroethylene</td>
</tr>
<tr>
<td>Di(2-ethylhexyl) adipate</td>
<td>0.4 mg/1</td>
<td>Vinyl chloride</td>
</tr>
<tr>
<td>Di(2-ethylhexyl) phthalate</td>
<td>0.006 mg/1</td>
<td>Xylenes (total)</td>
</tr>
<tr>
<td>Dinoseb</td>
<td>0.007 mg/1</td>
<td></td>
</tr>
<tr>
<td>Diquat</td>
<td>0.02 mg/1</td>
<td>Methoxychlor</td>
</tr>
<tr>
<td>Endothall</td>
<td>0.1 mg/1</td>
<td>Oxamyl (Vydate)</td>
</tr>
<tr>
<td>Endrin</td>
<td>0.002 mg/1</td>
<td>Pentachlorophenol</td>
</tr>
<tr>
<td>Glyphosate</td>
<td>0.7 mg/1</td>
<td>Picloram</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>0.0004 mg/1</td>
<td>Polychlorinated biphenyls</td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
<td>0.0002 mg/1</td>
<td>Simazine</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
<td>0.001 mg/1</td>
<td>2, 3, 7, 8-TCDD (Dioxin)</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene</td>
<td>0.05 mg/1</td>
<td>Toxaphene</td>
</tr>
<tr>
<td>Lindane</td>
<td>0.0002 mg/1</td>
<td></td>
</tr>
</tbody>
</table>

### Notes to Table 1:

- **(a)** 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.
- **(23)** Performance Standard 0.5 NTU to 1.0 NTU.

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

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>SMCL</th>
<th>Contaminant</th>
<th>SMCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aluminum</td>
<td>0.05 to 0.2 mg/1</td>
<td>Manganese</td>
<td>0.05 mg/1</td>
</tr>
<tr>
<td>Chloride</td>
<td>250 mg/1</td>
<td>Odor</td>
<td>3 Ton</td>
</tr>
<tr>
<td>Color</td>
<td>15 CU</td>
<td>pH</td>
<td>6.5 to 8.5</td>
</tr>
<tr>
<td>Copper</td>
<td>1.0 mg/1</td>
<td>Silver</td>
<td>0.1 mg/1</td>
</tr>
<tr>
<td>Corrosivity</td>
<td>Non-corrosive</td>
<td>Sodium</td>
<td>100 (a) mg/1</td>
</tr>
<tr>
<td>Fluoride</td>
<td>2.0 mg/1</td>
<td>Sulfate</td>
<td>250 mg/1</td>
</tr>
<tr>
<td>Foaming Agents</td>
<td>0.5 mg/1</td>
<td>TDS</td>
<td>500 mg/1</td>
</tr>
<tr>
<td>Hardness</td>
<td>250 mg/1</td>
<td>Turbidity</td>
<td>5 NTU</td>
</tr>
<tr>
<td>Iron</td>
<td>0.3 mg/1</td>
<td>Zinc</td>
<td>5 mg/1</td>
</tr>
</tbody>
</table>
Note to Table 2:

(a) Sodium concentration exceeding 20 mg/1 must be noted in the disclosure statement.

**TABLE 3. – SETBACK DISTANCES FOR WATER SUPPLY SOURCES**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Tight Sewers</td>
<td>50</td>
<td>25</td>
</tr>
<tr>
<td>Other Sewers</td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Community Liquid Waste Treatment Systems</td>
<td>300</td>
<td>150</td>
</tr>
<tr>
<td>Individual Liquid Waste Treatment System</td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Community Liquid Waste Disposal System</td>
<td>600</td>
<td>300</td>
</tr>
<tr>
<td>Individual Liquid Waste Disposal System</td>
<td>200</td>
<td>100</td>
</tr>
<tr>
<td>Flood Plain</td>
<td>Outside</td>
<td>Outside</td>
</tr>
</tbody>
</table>

**Liquid Waste Plan**

For a subdivider to document conformance with the liquid waste disposal requirements of these regulations and the New Mexico Subdivision Act, a liquid waste disposal documentation package shall accompany the preliminary plat submittal.

A. The liquid waste disposal documentation package shall:

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

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

(1) an engineer’s report and preliminary plans for the proposed community liquid waste system;

(2) maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed liquid waste treatment and liquid waste disposal site; and,

(3) documentation of the filing of a “Notice of Intent to Discharge” with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.

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

(1) a soils investigation report (soil survey, soil borings to a minimum depth of eight (8) feet, soil test results and analysis of the soil survey, soil boring, and soil test) 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, delineate the areas of suitable, limited, and prohibitive soil categories as described in Table 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.

**Liquid Waste Disposal Requirements**

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

A. Community liquid waste systems.

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

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

B. Individual liquid waste systems.

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

(3) 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 4; installed in prohibitive soils as shown in Table 5; installed at less than the setback distances shown in Table 6; or, privies (outhouses) or holding tanks if a water supply system is to be used.

(4) The subdivider shall disclose and covenant that the lots can not be further divided or subdivide to lot sizes smaller than those approved for the subdivision.
TABLE 4. – LOT SIZES FOR INDIVIDUAL LIQUID WASTE SYSTEMS

<table>
<thead>
<tr>
<th>Minimum Average Lot Size for Subdivision</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.00 acres</td>
<td>1.00 acres</td>
</tr>
</tbody>
</table>

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

TABLE 5. – SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE

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

Notes to Table 5:

(a) A soil category is determined by the most limiting soil characteristic.

(b) A suitable soil is a soil suited for the installation and functioning of a conventional disposal system. Conventional disposal systems or alternative disposal systems may be used in suitable soils.

(c) A limiting soil is a soil unsuited for the installation and functioning of a conventional disposal system. Alternative disposal systems are used in limiting soils.

(d) A prohibitive soil is a soil unsuited for the installation and functioning of either a conventional disposal system or an alternative disposal system. Individual liquid waste systems can not be used in prohibitive soils.

TABLE 6. – SETBACK DISTANCE FROM INDIVIDUAL LIQUID WASTE SYSTEMS

<table>
<thead>
<tr>
<th>Object</th>
<th>Required Minimum Setback Distance (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Treatment Unit</td>
</tr>
<tr>
<td>Individual Water Supply System Source</td>
<td>50</td>
</tr>
<tr>
<td>Public Water Supply System Source</td>
<td>100</td>
</tr>
<tr>
<td>Edge of Watercourses Except Canals and Arroyos</td>
<td>50</td>
</tr>
<tr>
<td>Edge of Unlined Canals and Arroyos</td>
<td>15 + depth of channel</td>
</tr>
<tr>
<td>Edge of Lined Canals</td>
<td>10 + depth of channel</td>
</tr>
<tr>
<td>Public Lakes</td>
<td>50 (a)</td>
</tr>
</tbody>
</table>
Notes to Table 6:

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

Solid Waste Plan

A. The Catron County Ordinance 003-96 SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE OF CATRON COUNTY, NEW MEXICO shall be followed in developing a solid waste plan.

Road Development and Design Plan

(§ 47-6-19 NMSA 1978)

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

(1) the proposed use of the subdivision;
(2) the period of time before the roads will receive substantial use;
(3) the period of time before construction of homes will commence on the portion of the subdivision serviced by the road;
(4) the county regulations governing phased development; and,
(5) the needs of prospective purchasers, lessees, and other persons acquiring an interest in subdivided land in viewing the land within the subdivision.

B. All proposed roads shall comply to minimum county road standards.

C. The Board of County Commissioners shall not approve the grading or construction of roads unless and until the subdivider can reasonably demonstrate that the roads to be constructed will receive use and that the roads are required to provide access the parcels or improvements within twenty-four (24) months from the date of construction of the road.

D. 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.
 Terrain Management Plan

A. Any person seeking approval of a subdivision plat must submit a terrain management plan. No subdivision plat shall be approved unless the terrain management plan has been approved by the Commission. The Commission may approve a terrain management plan if it determines that the plan conforms to the requirements of the New Mexico Subdivision Act and the Catron County Subdivision Regulations.

B. Open Space – The Commission after giving due consideration to the population density in the area may require a subdivider preserve or dedicate a portion of the subdivision for parks, recreation areas or other open space uses.

C. Terrain management plans for type-two subdivision shall contain:

(1) Maps with the following information:

(a) a vicinity map drawn to a scale approved at the pre-application meeting showing 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 miles of the subdivision.

(b) a subdivision map drawn to a scale approved at the pre-application meeting.

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

(d) contours at approved intervals.

(e) an overlay showing the location of all proposed lots, roads, bridges, water, and erosion control structures, and utility easement in relation to the existing contours;

(f) a overlay showing the finished contours of the subdivision after the subdivider’s proposals have been implemented using contour intervals equal to or less than those on the existing contour map;

(g) the location of all cuts and fills;

(h) the location of all drainage channels, watercourses, water bodies, floodways, flood fringes, and floodplains;

(i) the location of all areas with major rock outcroppings, slopes over 8% and wooded areas;
(j) the location of all areas which the subdivided intends to revegetate; and,

(k) the location of all areas in which the subdivider intends to preserve vegetation;

(l) design and construction of erosion control structures; revegetation, and stabilization plans shall comply with the District’s standards and specifications for such measures.

(2) A soil survey if available from the Soil Conservation Service 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 or a discussion of the soil types and their suitability for the proposed use.

(3) A surface drainage proposal will be required by the Commission including:

(a) storm drainage computation showing the estimated runoff from the subdivision prior to and following completion of development;

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

(c) all appropriate design details necessary to clearly explain the construction of all necessary water control structures.

(4) A subsurface drainage description including:

(a) an overlay drawn to the scale of the subdivision map locating areas where the seasonal high water table is:

(1) within twelve (12) feet of ground water;

(2) all appropriate design details necessary to clearly explain the construction of all subsurface structures;

(7) 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 plan setting forth the means of stabilizing all cuts and fill 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/revegetation date for disturbed areas;
(d) installation date of storm drainage systems;
(e) installation date for all roads;
(f) surfacing and or paving date of roads and parking areas;
(g) installation date of recreation structures and other community improvements;
(h) installation date of recreation structures and other community improvements;

(8) The legal description of the subdivision including the range, township, and section within which the subdivision is located; and,

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

**Cultural Properties Plan**

A. Unmarked Human Burials

(1) 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.

(2) All subdividers shall comply with the requirements of 18-6-11.2 NMSA 1978, which prohibits the knowing, willful, and intentional excavation, removal, disturbance, or 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 Office.

B. 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,

(1) 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 the effect in the application package for subdivision approval; or,

(2) 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 subdivider will then consult with the Historic Preservation Division pursuant to the Cultural Properties Act 18-6-1 through 18-6-17 NMSA 1978.

Information Reports

(§ 47-6-21 NMSA 1978)

In determining whether the subdivider can fulfill the requirements of the subdivision and the proposals contained in his disclosure statement the appropriate public agency may request, through the Board of County Commissioners, that the subdivider submit such information as the agency may feel necessary to permit it to make that determination.

Public Agencies Required to Provide Counties With Information

(§ 47-6-20 NMSA 1978)

A. Any public agency receiving a request from the Board of County Commissioners for an opinion pursuant to Section 47-6-11 NMSA 1978 shall furnish the board with the requested opinion within the time period set forth in Subsection A of Section 47-6-22 NMSA 1978. The Board of County Commissioners shall furnish the appropriate public agency with all relevant information that the board has received from the subdivider on the subject for which the board is seeking an opinion. If the public agency does not have sufficient information upon which to base an opinion, the public agency shall notify the board of this fact.

B. All opinion requests mailed by the Board of County Commissioners shall be by certified mail “return receipt requested” Boards of County Commissioners delivering opinion requests shall obtain receipts showing the day the opinion request was received by the particular public agency.

Public Hearings on Preliminary Plats

(§ 47-6-14 NMSA 1978)

The Board of County Commissioners shall adhere to the following requirements concerning public hearings on preliminary plats.

A. Notice of the hearing shall be given at least twenty-one (21) days prior to the hearing date and shall state:
(1) the subject of the hearing;

(2) the time and place of the hearing;

(3) the manner for interested persons to present their views; and,

(4) the place and manner for interested persons to secure copies of any favorable or adverse opinion and of the subdivider’s proposal. The Board of County Commissioners may impose a reasonable charge for the costs of reproducing and mailing the opinions and proposals.

B. The notice shall be published in a newspaper of general circulation in the County.

C. Reasonable effort shall be made to give notice to all persons who have made a written request to the Board of County Commissioners for advance notice of its hearings. Notice shall also be given to any public agency that issued an opinion or withheld an opinion on the basis of insufficient information.

D. Public hearings on preliminary plats shall be held within thirty (30) days from the receipt of all requested public agency opinions where all such opinions are favorable, or within thirty (30) days from the receipt of all requests public agency opinions where all such opinions are favorable, or within thirty (30) days from the date all public agencies complete their review of any additional information submitted by the subdivider pursuant to Section 47-6-11 NMSA 1978. If the Board of County Commissioners does not receive a requested opinion within the thirty-day (30) period, the board shall proceed.

E. At the hearing, the Board of County Commissioners shall allow all interested persons a reasonable opportunity to submit data, views, or arguments, orally in writing, and to examine witnesses testifying at the hearing.

F. The Board of County Commissioners shall approve, approve with conditions, or disapprove the preliminary plat within thirty (30) days of the public hearing at a public meeting of the Board of County Commissioners.

Expiration of Preliminary Plat

(§ 47-6-11.1 NMSA 1978)

A. An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval, or after any additional period of time as may be prescribed by county regulations, not to exceed an additional twelve (12) months. However, if the subdivider proposes to file multiple final plats as provided for under county regulations governing phased development, each filing of a final plat shall extend the expiration of the approved or
conditionally approved preliminary plat for an additional thirty-six (36) months from the date of its expiration or the date of the previously filed final plat, whichever is later. The number of phased final plats shall be determined by the Board of County Commissioners at the time of the approval or conditional approval of the preliminary plat.

B. Prior to the expiration of the approved or conditionally approved preliminary plat, the subdivider may submit an application for extension of the preliminary plat for a period of time not exceeding a total of three years. The period of time specified in this subsection shall be in addition to the period of time provided in Subsection A of this section.

C. 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.

**Final Plat: Description**

(§ 47-6-3 NMSA 1978)

A. Any person desiring to subdivide land shall have a final plat of the proposed subdivision certified by a surveyor registered in New Mexico. The final plat shall:

1. define the subdivision and all roads by reference to permanent monuments;

2. accurately describe legal access to, roads to and utility easements for each parcel, and if the access or easements are based upon an agreement, the recording data in the land records for the agreement;

3. number each parcel in progression, give its dimensions and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting or adjacent to the land; and,

4. delineate those portions of the subdivision that are located in a flood plain.

B. Descriptions of parcels by number and plat designation are valid in conveyances and valid for the purpose of taxation.

**Final Plat Acknowledgment; Affidavit**

(§ 47-6-4 NMSA 1978)

Every 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 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 subdivision lies within the subdivision regulation jurisdiction of the County. A copy of the final plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease, or other conveyance.

**Water Permit Required for Final Plat Approval**

(§ 47-6-11.2 NMSA 1978)

On or after July 1, 1997, before approving the final plat for a subdivision containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, the Board of County Commissioners may require that the subdivider provide a copy of a permit obtained from the State Engineer, issued pursuant to Section 72-5-1, 72-5-23, or 72-5-24 NMSA 1978, or if the subdivision is located within a declared underground water basin, provide a copy of a permit obtained from the State Engineer issued pursuant to those sections, or to Section 72-12-3, or 72-12-7 NMSA 1978, for the subdivision water use. In acting on the permit application, the State Engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. The Board of County Commissioners may elect not to approve the final plat if the State Engineer has not issued a permit for the subdivision water use.

**Schedule of Compliance**

(§ 47-6-24 NMSA 1978)

In approving final subdivision plats, the Board of County Commissioners may require the subdivider to set forth a schedule of compliance with county subdivision regulations that is acceptable to the Board of County Commissioners.

**Dedication for Public Use; Maintenance**

(§ 47-6-5 NMSA 1978)

The final plat shall contain a certificate stating that the Board of County Commissioners 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 or dedications. Upon full conformance with the county road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the Office of the County Clerk or a resolution of acceptance by the Board of County Commissioners is filed in such office.
Approval of Final Plats

(§ 47-6-1.3 NMSA 1978)

A. After the approval or conditional approval of a preliminary plat and prior to the expiration of such plat, the subdivider may prepare a final plat in accordance with the approved or conditionally approved preliminary plat.

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

C. If, at the time of approval of the final plat, any public improvements have not been completed by the subdivider as required by the Board of County Commissioners pursuant to the New Mexico Subdivision Act or county subdivision regulations, the Board of County Commissioners shall, as a condition precedent to the approval of the final plat, require the subdivider to enter into an agreement with the County upon mutually agreeable terms to thereafter complete the improvements at the subdivider’s expense.

Filing With County Clerk; Duties of County Clerk

(§ 47-6-6 NMSA 1978)

The County Clerk shall not accept for filing any final plat subject to the New Mexico Subdivision Act and the County Commission that has not been approved as provided in the New Mexico Subdivision Act and these regulating. Whenever separate documents are to be recorded concurrently with the final plat, the County Clerk shall cross-reference such documents. Preliminary plats shall not be filed with the County Clerk.

Requirements Prior to Sale, Lease or Other Conveyance

(§ 47-6-8 NMSA 1978)

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

A. the final plat has been approved by the Board of County Commissioners and has been filed with the Clerk of the County in which the subdivision is located. Where a subdivision lies within more than one county, the final plat shall be approved by the Board of County Commissioners of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located;
B. the subdivider has furnished the Board of County Commissioners a sample copy of his sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land; and,

C. all corners of all parcels and blocks within a subdivision have been permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

**Time Limit on Administrative Action**

(§ 47-6-22 NMSA 1978)

A. 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 from the Board of County Commissioners does not receive a requested opinion within the thirty-day (30) period, the board shall proceed in accordance with its own best judgment concerning the subject of the opinion request. 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 were acceptable or unacceptable or adequate or inadequate.

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

C. 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, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate stating that the final plat has been approved.
Final Plat Review for Subdivision Types 1, 2, 3*, 4

Approval or Conditional Approval Of Preliminary Plat
47-6-14F

Subdivider Transmits Final Plat to BCC
47-6-11.3

Plat Deemed Complete by BCC

Max 30 days

Public Meeting 47-6-22B

Final Plat Approved Or Denied with Findings

No Action Taken 47-6-22C

Agreement to Complete Improvements if Necessary

Begin Appeal Process 47-6-15

Max 30 days

Final Plat Approved Or Disapproved

Max 30 Days

Approved Plat Filed with County Clerk 47-6-8

Subdivider Submits Written Notice to County Of Failure to Act

Max 30 days

Final Plat Approved on Demand by Subdivider

No Action Taken

Note: 1. BCC= Board of County Commissioners
2. Some Type 3 Subdivisions qualify for summary review.

MRGCOC 1/96
Right of Inspection; Rescission

(§ 47-6-23 NMSA 1978)

If the purchaser, lessee or other person acquiring an interest in the subdivided land has not inspected his parcel prior to the time of purchase, subdivided land has not inspected his parcel prior to the time of purchase, lease or other conveyance, the purchase, lease, or other conveyance agreement shall contain a provision giving the purchaser, lessee, or other person acquiring an interest in the subdivided land six (6) months within which to personally inspect his parcel. After making the personal inspection within the six-month period, the purchaser, lessee, or other person acquiring an interest in the subdivided land has the right to rescind the purchase, lease, or other conveyance agreement and receive a refund of all funds paid on the transaction to the seller, lessor, or other conveyor of subdivided land when merchantable title is revested in the seller, lessor, or other conveyor of subdivided land. Notice of such rescission to the seller, lessor, or other conveyor of subdivided land shall be made in writing and shall be given within three (3) days of the date of personal inspection.

Disclosure Statement Form for Type Two Subdivision

DISCLOSURE STATEMENT

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

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

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

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

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

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

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

Building permits, wastewater permits, or other use permits must be issued by state officials before improvements are constructed. You should investigate the availability of such permits before your 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 area)

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

   (size of smallest parcel in acres)

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

   ($ = lowest amount)  (size of parcel sold, leased, or conveyed)

   ($ = highest amount)  (size of parcel sold, leased, or conveyed)

8. **FINANCING TERMS**

   (interest rate)\n
   (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 Regulations if not set forth above)

9. **NAME AND ADDRESS OF HOLDER OF LEGAL TITLE**

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

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

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

10. **NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE**

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

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

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

11. **CONDITION OF TITLE**

Include at least the following information where applicable

(number of mortgages)

(name and address of each mortgagee)

((balance owing on each mortgage)

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

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

(balance owing on each real estate contract)

(summary of default provisions of each real estate contract)

(summary of release provisions of each real estate contract)

(statement of any other encumbrances on the land)

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

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

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

13. **ESCROW AGENT**

(name of escrow agent)

(address)

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

<table>
<thead>
<tr>
<th>Entity Providing Service</th>
<th>Estimated Cost Per Parcel</th>
</tr>
</thead>
<tbody>
<tr>
<td>(name of entity providing electricity, if available)</td>
<td>(estimated cost per parcel)</td>
</tr>
<tr>
<td>(name of entity providing gas services, if available)</td>
<td>(estimated cost)</td>
</tr>
<tr>
<td>(name of entity providing water, if available)</td>
<td>(estimated cost)</td>
</tr>
<tr>
<td>(name of entity providing liquid waste disposal, if available)</td>
<td>(estimated cost)</td>
</tr>
<tr>
<td>(name of entity providing solid waste disposal, if available)</td>
<td>(estimated cost)</td>
</tr>
</tbody>
</table>

15. **INSTALLATION OF UTILITIES**

<table>
<thead>
<tr>
<th>Service</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(electricity)</td>
<td>(date)</td>
</tr>
<tr>
<td>(gas)</td>
<td>(date)</td>
</tr>
<tr>
<td>((water))</td>
<td>(date)</td>
</tr>
<tr>
<td>(telephone)</td>
<td>(date)</td>
</tr>
<tr>
<td>(liquid waste disposal)</td>
<td>(date)</td>
</tr>
<tr>
<td>(solid waste disposal)</td>
<td>(date)</td>
</tr>
</tbody>
</table>

16. **UTILITY LOCATION**

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

(If utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel)
(state whether each utility will be above ground or underground)

<table>
<thead>
<tr>
<th></th>
<th>Above ground</th>
<th>Underground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquid waste disposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solid waste disposal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

17. **WATER AVAILABILITY**

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

(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)

(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)

21. **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)
-------------------------------------------------------------------------------------------------------------------

22. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WALLS 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 depth to be reasonably expected)
-------------------------------------------------------------------------------------------------------------------

(recommended total depth of well)
-------------------------------------------------------------------------------------------------------------------

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

23. 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 of the source and yield of the surface water supply and any restrictions to which the surface water supply is subject to)

25. **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)

26. **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)

27. **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)
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 NEW MEXICO ENVIRONMENT DEPARTMENT.

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 New Mexico Environment Department’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)

31. TERRAIN MANAGEMENT

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

(District’s soil survey for Catron County, if any)

(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)
32. **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)

(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. **NEW MEXICO DEPARTMENT OF TRANSPORTATION’S OPINION ON ACCESS**

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Department of Transportation 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)

36. **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.**

37. **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 subdivision 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)
41. **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 shipping facilities and route over which that distance is computed)

42. **PUBLIC TRANSPORTATION**

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

END OF DISCLOSURE STATEMENT
ARTICLE 7  TYPE THREE SUBDIVISION

Definition

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

Pre-Application Procedure

A. Previous to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the reviewing staff and/or County personnel to become acquainted with these Land Subdivision Regulations. At this application conference the subdivider shall be advised of the following:

(1) Submittals required by these regulations in the filing of an application for approval of preliminary plat.

(2) A determination will be made as to the type and/or class of the proposed subdivision.

(3) Individuals and/or agencies that shall review the required submittals.

(4) The required improvements.

B. The subdivider shall bring a sketch plan to the pre-application conference, as well as a draft of a disclosure statement, as required by the New Mexico Subdivision Act and these regulations. After conferring with the subdivider and reviewing the sketch plan and draft disclosure statement, the reviewing staff and/or County personnel shall determine the type of subdivision proposed, as defined in the New Mexico Subdivision Act and these regulations, and shall further inform the subdivider concerning the feasibility of the proposed subdivision pursuant to the New Mexico Subdivision Act and these regulations. The subdivider may then elect to proceed with the complete preliminary plat application or may revise his subdivision plans and schedule a second pre-application conference.

Pre-Application Data

A. Pre-Application Data Requirements

(1) Sketch plan: A sketch plan shall be prepared by the subdivider which shows the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area.

(2) Additional information: In addition to the sketch plan and location map, the subdivider shall provide information including the following:
Preliminary Plat Review Process

(§ 47-6-11 NMSA 1978)

A. Preliminary plat shall be submitted for Type-Three subdivisions.

B. Prior to approving the preliminary plat, the Board of County Commissioners of the county in which the subdivision is located shall require that the subdivider furnish documentation of:

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

2. water of an acceptable quality for human consumption and measures to protect the water supply from contamination;

3. the means of liquid waste disposal for the subdivision;

4. the means of solid waste disposal for the subdivision;

5. satisfactory roads to each parcel, including ingress and egress for emergency vehicles and utility easements to each parcel;

6. terrain management to protect against flooding, inadequate drainage, and erosion; and

7. protections for cultural properties, archaeological sites, and unmarked burials that may be impacted directly by the subdivision, as required by the Cultural Properties Act [§ 18-6-1 to 18-6-17 NMSA 1978]

C. In addition to the requirements of Subsection B of this section, prior to approving the preliminary plat, the Board of County Commissioners of the County in which the subdivision is located shall:
(1) determine whether the subdivider can fulfill the proposals contained in his
disclosure statement required by Section 47-6-17 NMSA 1978, and

(2) determine whether the subdivision will conform with the New Mexico
Subdivision Act and the county’s subdivision regulations.

D. The Board of County Commissioners shall not approve the preliminary plat if the
subdivider cannot reasonably demonstrate that he can fulfill the requirements of
subsection B and C of this section.

E. Any subdivider submitting a preliminary plat for approval shall submit sufficient
information to the Board of County Commissioners to permit the board to
determine whether the subdivider can fulfill the requirements of Subsection B and
C of this section.

F. In determining whether a subdivider can fulfill the requirements of Subsections B
and C of this section, the Board of County Commissioners shall, within ten days
after the preliminary plat is deemed complete, request opinions from:

(1) the State Engineer to determine:

(a) whether the subdivider can furnish water sufficient in quantity to
    fulfill the maximum annual water requirements of the subdivision,
    including water for indoor and outdoor domestic uses; and,

(b) whether the subdivider can fulfill the proposals in his disclosure
    statement concerning water, excepting water quality;

(2) the Department of Environment to determine:

(a) 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];

(b) 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 [Chapter 74, Article 6
    NMSA 1978] and the Solid Waste Act [74-9-1 NMSA 1978]; and

(c) whether the subdivider can fulfill the proposals contained in his/her
    disclosure statement concerning water quality and concerning liquid
    and solid waste disposal facilities;
(3) the New Mexico Department of Transportation to determine whether the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations promulgated pursuant to Section 67-3-16 NMSA 1978;

(4) the Soil and Water Conservation District to determine:
   (a) whether the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage, and erosion;
   (b) whether the subdivider can fulfill the proposals contained in his disclosure statement concerning terrain management; and

(5) such other public agencies as the county deems necessary, such as local school districts and fire districts, to determine whether there are adequate facilities to accommodate the proposed subdivision.

G. If, in the opinion of each appropriate public agency, a subdivider can fulfill the requirements of Subsection F of this section, then the Board of County Commissioners shall weigh these opinions in determining whether to approve the preliminary plat at a public hearing to be held in accordance with Section 47-6-14 NMSA 1978.

H. If, in the opinion of the appropriate public agency, a subdivider cannot fulfill the requirements of Subsection F of this section, or if the appropriate public agency does not have sufficient information upon which to base an opinion on any one of these subjects, the subdivider shall be notified of this fact by the Board of County Commissioners, and the procedure set out below shall be followed:

(1) if the appropriate public agency has rendered an adverse opinion, the Board of County Commissioners shall give the subdivider a copy of the opinion;

(2) the subdivider shall be given thirty (30) days from the date of notification to submit additional information to the public agency through the Board of County Commission; and,

(3) the public agency shall have thirty (30) days from the date the subdivider submits additional information to change its opinion, or issue a favorable opinion when it has withheld one because of insufficient information. No more than thirty (30) days following the date of the expiration of the thirty-day (30) period, during which the public agency reviews any additional information submitted by the subdivider, the Board of County Commissioners shall hold a public hearing in accordance with Section 47-6-14 NMSA 1978 to determine whether to approve the preliminary plat. Where the public agency has rendered an adverse opinion, the subdivider
has the burden of showing that the adverse opinion is incorrect either as to factual or legal matters.

**Preliminary Plat Data**

A. **Preliminary Plat Format**: As part of the application for preliminary a plat approval, the subdivider shall submit twelve blueline copies of the preliminary, which shall be drawn at a scale agreed upon at the pre-application meeting. The scale shall be at the proper scale to show information in a clear manner. The preliminary plat shall be presented on a sheet or sheets twenty-four (24) inches wide by thirty-six (36) inches long within which are borders one-half (1/2) inch wide on all sides. Where necessary, the plat may be more than one sheet, provided that if by an index sheet of the same size, showing the entire subdivision.

B. **Preliminary Plat Content**: The plat shall show all proposals, including but not limited to the following:

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

   (2) Streets, names, right-of-ways widths, approximate grades over 6%, distance between intersections, and curve radii.

   (3) Proposed right-of-way easements, location, width, and purpose.

   (4) Approximate lot dimensions, lot, and block numbers.

   (5) Sites to be reserved or dedicated for public use. If roads are to be private, this should be stated on the plat, as well as information concerning responsibility for maintenance of the road.

   (6) Site date, total acreage, the number of lots, the minimum and typical lot area, and the acreage proposed for public use, if any.

   (7) A disclosure statement in accordance with the New Mexico Subdivision Act and these regulations.

C. **Supplementary Plan and Data**: All plans shall contain the subdivider’s name and address and the disclosure statement and a schedule of compliance. Any variance requested to any of these plans shall be filed with the preliminary plat. Plans must contain:

   (1) Water Plan.
(2) Water Quality Plan.
(3) Liquid Waste Plan.
(4) Solid Waste Plan.
(5) Road Development and Design Plan.
(6) Terrain Management Plan.
(7) Cultural Properties Plan.
Preliminary Plat Review for Subdivision Types 1, 2, 3*, 4

Pre-Application Conference Optional

Subdivider Submits Plat And Supporting Documentation 47-6-11

Plat Deemed Complete By BCC

Max 10 days

State Engineer Office

BCC Transmits Plat and Supporting Documentation to Public Agencies with Request for Opinions 47-6-11F

Soil and Water Conservation District

New Mexico Environment Department

Other Public Agencies Deemed Necessary By County

New Mexico Department of Transportation

All Agency Opinions Transmitted to BCC

Max 30 days after receipt

Favorable Opinion Or No Opinion

Max 30 days only if No Adverse Opinion

Bcc Issues Notice Of Public Hearing To General Public and Public Agencies 47-6-14

Min 21 days

Public Hearing

Max 30 days

BCC Approves, Approves With Conditions, or Disapproves Preliminary Plat

Expiration Period 47-6-11.1

Final Plat Process 47-6-11.3

Note: 1. BCC=Board of County Commissioners
       6. Some Type 3 Subdivisions qualify
       7. For summary review.

MRGCOn 1/96

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Revised: May 6, 1998
Disclosure

(§ 47-6-17 NMSA 1978)

A. Prior to selling, leasing, or otherwise conveying any land in a subdivision, the subdivider shall disclose in writing such information as the Board of County Commissioners requires, by regulations, to permit the prospective purchases, lessee, or other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease, or other conveyance of the land.

B. The disclosure statement for subdivisions with not fewer than five (5) and not more than one hundred (100) parcels shall contain the following information:

1. the name of the subdivision;
2. name and address of the subdivider and the name and address of the person in charge of sales or leasing in New Mexico;
3. total acreage of the subdivision, both present and anticipated;
4. size of the largest and smallest parcels offered for sale, lease, or other conveyance within the subdivision and the proposed range of selling or leasing prices including financing terms;
5. distance from the nearest town to the subdivision and the route over which this distance is computed;
6. name and address of the person who is recorded as having legal and equitable title to the land offered for sale, lease, or other conveyance;
7. a statement of the condition of title including any encumbrances;
8. a statement of all restrictions or reservations of record that subject the subdivided land to any conditions affecting its use or occupancy;
9. name and address of the escrow agent, if any;
10. a statement as to availability and cost of public utilities;
11. a statement describing the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and describing the availability of water to meet the maximum annual water requirements;
12. a statement describing the quality of water in the subdivision available for human consumption;
(10) a description of the means of liquid waste disposal for the subdivision;

(11) a description of the means of solid waste disposal for the subdivision;

(12) a description of the means of water delivery within the subdivision;

(13) the average depth to water within the subdivision if water is available only from subterranean sources;

(14) a description of access to the subdivision;

(15) a statement disclosing whether the roads and other improvements within the subdivision will be maintained by the County, the subdivider, or an association of lot owners and what measures have been taken to ensure that maintenance will take place;

(16) a description of the subdivider’s provisions for terrain management;

(17) a summary, approved by the issuing state agency, of the opinions, if any, whether favorable, or adverse, provided by state agencies to the Board of County Commissioners concerning any one of the points listed above;

(18) a statement that the subdivider shall record the deed, real estate contract, lease, or other instrument conveying an interest in subdivided land with the appropriate County Clerk within thirty (30) days of the signing of such instrument by the purchaser, lessee, or other person acquiring an interest in the land; and,

(19) a statement advising the purchaser, lessee, or other person acquiring an interest in subdivided land that building permits, wastewater permits, or other use permits are required to be issued by state or before improvements are constructed; and that further, he/she is advised to investigate the availability of such permits before purchase, lease, or other conveyance and whether these are requirements for construction of additional improvements before he may occupy the property.

C. The disclosure statement for subdivisions with one (100) hundred or more parcels shall contain all of the information required in Subsection B of this section as well as the following information:

(1) a statement of any activities or conditions adjacent to or nearby the subdivision that would subject the subdivided land to any unusual conditions affecting its use or occupancy;
(2) a description of all recreational facilities, actual and proposed, in the subdivision;

(3) a statement as to the availability of:

(a) fire protection;

(b) police protection;

(c) public schools for the inhabitants of the subdivision, including a statement concerning the proximity of the nearest elementary and secondary schools;

(d) hospital facilities;

(e) shopping facilities; and,

(f) public transportation; and,

(4) a statement setting forth the projected dates upon which any of the items mentioned in this section for which the subdivider has responsibility will be completed if they are not yet completed.

D. Disclosure statements shall be in the form that the Board of County Commissioners, after consultation with the Attorney General, may require by regulations.

E. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act [15 U.S.C. 1701 et seq.] may submit his approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act [disclosure statement]. 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.

F. It is unlawful to sell, lease, or otherwise convey land in a subdivision until:

(1) the required disclosure statement has been filled with the County Clerk, the Board of County Commissioners, and the Attorney Generals Office; and

(2) the prospective purchaser, lessee, or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

**Quantification of Annual Water Requirements**

The following procedures shall be used to quantify the maximum allowable subdivision water use per year, for all subdivisions:
A. Should a subdivider limit the maximum area of irrigated landscape and/or prohibit other outdoor water uses, the subdivider may calculate the maximum annual water requirements for both indoor and outdoor purposes by multiplying the number of parcels by a minimum factor of .35 acre-feet.

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

C. A detailed water demand analysis shall be prepared for 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.

Water Availability Assessment

Water Availability Assessment for All Type-Three Subdivisions

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

   (1) as a condition of preliminary subdivision plat approval for all Type-Three subdivisions.

B. The requirements of the water availability assessment as 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 provide a reasonable demonstration that a twenty (20) year supply will be available for the intended purposes of the subdivision, and shall submit a geohydrologic report in accordance with Subsection C.

   (2) for subdivisions where the source of supply will be a new surface water diversion and community system permitted pursuant to Section 72-5-1, 72-5-23, or 72-5-24 NMSA 1978, the subdivider shall submit a hydrologic report in accordance with Subsection D.

   (3) for subdivisions where the source of supply will be an existing community or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-1, or 72-12-3, the subdivider shall submit a water utility plan in accordance with Subsection E.

   (4) for subdivisions where the source of water will be individual domestic wells, or shared wells permitted pursuant to Section 72-12-1, the subdivider
shall provide a reasonable demonstration that a twenty (20) year supply will be available for the intended purposes of the subdivision, and shall submit a geohydrologic report in accordance with Subsection F.

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

(1) geohydrologic reports shall demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for a continuous period of twenty (20) years. These analyzes shall take into account the production of existing wells and shall reasonably demonstrate that the subdivision wells, are proposed or as designated, will be capable of producing the full annual demand for at least twenty (20) years.

(2) the subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on wells located on contiguous property. Alternately, tests can be conducted on nearby off-site wells on contiguous property if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.

(3) the assessment shall include a calculated twenty (20) year schedule of effects on the proposed subdivision’s production well(s) which may result from existing demands and from the increase of ground water withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C(4). Predicted drawdown shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses based upon the Catron County water plan.

(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 fifteen (15) percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:
(a) by using the results of acceptable on-site aquifer pump test. The lowest allowable pumping level may be the lowest water level reached during, the test.

(b) by setting the level at the top of the uppermost screened interval.

(c) in wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.

(d) in wells completed in alluvial aquifers, the lowest practical pumping, water level may be defined by a maximum allowable drawdown equal to 70% of the initial water column.

(5) The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including, basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps, and cross-sections shall be included.

D. For new surface water diversions and community water systems using surface water the subdivider shall submit a hydrologic report which meets the following requirements:

(1) The hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the subdivision is physically available. These analyses shall include the following:

(a) narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to groundwater diversion, analyses of relevant historical runoff records, and projected water supply available for the subdivision requirements. Applicable legal or water rights constraints on water availability shall be considered.

(b) if the analysis of the historical runoff record indicates possible shortages in the projected water supply available for the subdivision requirements the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
(c) if a supplemental groundwater supply is proposed, the subdivider shall prepare a geohydrologic assessment in accordance with Subsection C.

E. For community water systems in which existing utility companies are proposed as the source of water supply the subdivider shall submit a water supply plan which meets the following requirements:

(1) For all water utilities:

(a) name of the utility proposed as the source of supply. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least twenty (20) years. The letter must also state any requirement for the subdivider to provide water rights.

(2) For water utilities other than municipal owned water utilities:

(a) documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the proposed subdivision for a period no less than twenty (20) years. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least twenty (20) years.

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

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

(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. For subdivisions where the source of water will be individual domestic wells, or shared wells, permitted under Section 72-12-1 NMSA, the subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements.
(1) geohydrologic reports shall demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for a continuous period of twenty (20) years. These analyzes shall take into account the production of existing wells and shall reasonably demonstrate that the subdivision wells, as proposed or as designated, will be capable of producing the full annual demand for at least twenty (20) years.

(2) the subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on wells located on contiguous property. Alternately, tests can be conducted on nearby off-site wells on contiguous property if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.

(3) the assessment shall include a calculated twenty (20) year schedule of effects on the proposed subdivision’s production well(s) which may result from existing demands and from the increase of groundwater withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C(4). Predicted drawdown shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses based upon the Catron County water plan.

(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 15 percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:

(a) by using the results of acceptable on-site aquifer pump test. The lowest allowable pumping level may be the lowest water level reached during, the test.

(b) by setting the level at the top of the uppermost screened interval.
(c) in wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.

(d) in wells completed in alluvial aquifers, the lowest practical pumping, water level may be defined by a maximum allowable defined by a maximum allowable drawdown equal to 70% of the initial water column.

(5) The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including, basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps, and cross-sections shall be included.

(6) the geohydrologic report shall also include a calculated twenty (20) year schedule of off-site effects (drawdowns) and an evaluation of stream depletion effects (if applicable) which may result from the increase of groundwater withdrawals for the subdivision. These calculations shall include estimates of future water uses. The report shall identify by ownership and location all existing wells which will either go dry, experience dewatering of thirty (30) percent of their water column or more, or experience an average annual rate of water decline of one (1) foot or more as a consequence of the proposed subdivision’s groundwater diversions. The report shall also identify by name and location all springs, streams, acequias (ditches), canals, and dams, the flows of which will be diminishes by the proposed surface or groundwater diversions. All natural or man-made ponds, lakes, reservoirs, or wetlands that will be impacted shall also be identified.

G. The following manuals contain pertinent information for water and should be encouraged to read them.

WATER CONSERVATION AND QUANTIFICATION OF WATER DEMANDS IN SUBDIVISION—A GUIDANCE MANUAL FOR PUBLIC OFFICIALS AND DEVELOPERS. 

CATRON COUNTY WATER PLAN, Catron County, New Mexico
Water Conservation

New Mexico State Laws and Federal laws pertaining to water conservation will be complied with, if applicable.

Water Quality

Catron County recognizes that the economic and general welfare of people in the County is dependent upon maintenance of adequate supplies of good quality water. The County recognizes that the issues of water availability and water quality are closely linked. The County is committed to efficient use and development of water resources to ensure both sustainability of supply and maintenance of water quality. The County supports the ongoing efforts to prevent contamination of surface and groundwater and to investigate and conduct the appropriate control and remediation of sources of water contamination in the County.

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

(1) The water quality documentation package shall:

(a) state the subdivider’s name and mailing, address;

(b) state the date the package was completed;

(c) state the subdivider’s proposal for meeting the water quality requirements of these guidelines:

(d) be accompanied by a copy of the subdivider’s Disclosure Statement on water quality;

(e) be accompanied by the information listed in Subsections 2, 3, or 4 of this section as applicable to the water supply proposal; and,

(f) be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these guidelines.

(2) The subdivider is advised that the New Mexico Environment Department may, in a letter to the Catron County Commission, recommend further analysis in addition to that required by the County in Section A of these guidelines, should there be evidence to suggest or reason to suspect that water contaminants may exist within the public or private water supply
system(s) proposed by the subdivider. In this case, the Catron County Commission may require such further analysis as set forth in Section B of these guidelines.

(3) If a new public water supply system (fifteen [15] or more connections) is proposed, the following information shall be submitted as part of the water quality documentation package:

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

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

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

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

(e) maps identifying and showing the location of all identifiable potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed water supply source.

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

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

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

(c) an engineer’s report and preliminary plans for the proposed extensions to the existing water system.
(5) If private water supply systems (cluster wells serving less than fifteen \(15\)) connections are proposed, the following information shall be submitted as part of the water quality documentation package:

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

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

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

(d) maps identifying and showing the location of all identifiable potential sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.

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

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

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

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

(a) If the level for any of the contaminants listed in Table 2, below, exceeds the SMCL, the subdivider must state in the Disclosure Statement on water quality the name of the contaminant exceeded; the contaminant level; the SMCL of the contaminant; the expected
adverse effects of the contaminant for domestic water use; and, the recommended treatment method to reduce the contaminant level to or below the SMCL.

(3) A water supply source shall not be located at less than the setback distances shown in Table 3, below.

(4) The subdivision Disclosure Statement shall contain a statement describing the quality of water available for domestic use within the subdivision, and describing water quality in layman’s terms relation, to taste, discoloration of clothes, irritation to skin, odor, and degree of hardness of water.

**TABLE 1. – PRIMARY (HEALTH RELATED) CONTAMINANTS**

<table>
<thead>
<tr>
<th>Inorganic (IOC)</th>
<th>Microbiology</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contaminant</strong></td>
<td><strong>MCL</strong></td>
</tr>
<tr>
<td>Antimony</td>
<td>0.006 mg/l</td>
</tr>
<tr>
<td>Arsenic</td>
<td>0.05 mg/l</td>
</tr>
<tr>
<td>Asbestos</td>
<td>7 MFL (a)</td>
</tr>
<tr>
<td>Barium</td>
<td>2 mg/l</td>
</tr>
<tr>
<td>Beryllium</td>
<td>0.004 mg/l</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.005 mg/l</td>
</tr>
<tr>
<td>Chromium</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Copper</td>
<td>1.3 mg/l</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.2 mg/l</td>
</tr>
<tr>
<td>Fluoride</td>
<td>4.0 mg/l</td>
</tr>
<tr>
<td><strong>Contaminant</strong></td>
<td><strong>MCL</strong></td>
</tr>
<tr>
<td>Lead</td>
<td>0.015 mg/l</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.002 mg/l</td>
</tr>
<tr>
<td>Nickel</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Nitrate (as N)</td>
<td>10 mg/l</td>
</tr>
<tr>
<td>Nitrite (as N)</td>
<td>1 mg/l</td>
</tr>
<tr>
<td>Nitrate + Nitrite (both as N)</td>
<td>10 mg/l</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.05 mg/l</td>
</tr>
<tr>
<td>Thallium</td>
<td>0.002 mg/l</td>
</tr>
<tr>
<td><strong>Radionuclide</strong></td>
<td><strong>Contaminant</strong></td>
</tr>
<tr>
<td>Gross a particle activity (b)</td>
<td>15 pCi/l</td>
</tr>
<tr>
<td>Radium-226 &amp; -228 (e)</td>
<td>5 pCi/l</td>
</tr>
<tr>
<td>Strontium-90</td>
<td>8 pCi/l</td>
</tr>
<tr>
<td>Tritium</td>
<td>20000 pCi/l</td>
</tr>
<tr>
<td><strong>Synthetic Organic (SOC)</strong></td>
<td><strong>Contaminant</strong></td>
</tr>
<tr>
<td>Alachlor</td>
<td>0.002 mg/l</td>
</tr>
<tr>
<td>Atrazine</td>
<td>0.003 mg/l</td>
</tr>
</tbody>
</table>
### SOC (continued)

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>SMCL</th>
<th>Contaminant</th>
<th>SMCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benzo[a]pyrene</td>
<td>0.0002 mg/l</td>
<td>Toluene</td>
<td>1 mg/l</td>
</tr>
<tr>
<td>Carbofuran</td>
<td>0.04 mg/l</td>
<td>1, 2, 4-trichlorobenzene</td>
<td>0.07 mg/l</td>
</tr>
<tr>
<td>Chlordane</td>
<td>0.002 mg/l</td>
<td>1, 1-trichloroethane</td>
<td>0.2 mg/l</td>
</tr>
<tr>
<td>2, 4-D</td>
<td>0.07 mg/l</td>
<td>1, 1, 2-trichloroethane</td>
<td>0.005 mg/l</td>
</tr>
<tr>
<td>Dalapon</td>
<td>0.2 mg/l</td>
<td>Trichloroethylene</td>
<td>0.005 mg/l</td>
</tr>
<tr>
<td>Di(2-ethylhexyl)adipate</td>
<td>0.4 mg/l</td>
<td>Vinyl chloride</td>
<td>0.002 mg/l</td>
</tr>
<tr>
<td>Di(2-ethylhexyl)phthalate</td>
<td>0.006 mg/l</td>
<td>Xylenes (total)</td>
<td>10 mg/l</td>
</tr>
<tr>
<td>Dinoseb</td>
<td>0.007 mg/l</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diquat</td>
<td>0.02 mg/l</td>
<td>Methoxychlor</td>
<td>0.04 mg/l</td>
</tr>
<tr>
<td>Endothall</td>
<td>0.1 mg/l</td>
<td>Oxamyl (Vydate)</td>
<td>0.2 mg/l</td>
</tr>
<tr>
<td>Endrin</td>
<td>0.002 mg/l</td>
<td>Pentachlorophenol</td>
<td>0.001 mg/l</td>
</tr>
<tr>
<td>Glyphosate</td>
<td>0.7 mg/l</td>
<td>Picloram</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>0.0004 mg/l</td>
<td>Polychlorinated biphenyls</td>
<td>0.0005 mg/l</td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
<td>0.0002 mg/l</td>
<td>Simazine</td>
<td>0.004 mg/l</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
<td>0.001 mg/l</td>
<td>2, 3, 7, 8-TCCD (Dioxin)</td>
<td>3x10 mg/l (-8)</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene</td>
<td>0.05 mg/l</td>
<td>Toxaphene</td>
<td>0.003 mg/l</td>
</tr>
</tbody>
</table>
| Lindane                          | 0.0002 mg/l     |                                  | 2, 4, 5-TP      | 0.05 mg/l

**Notes to Table 1:**

(a) Million Fibers longer than 10 [u]m per Liter.

(b) Gross alpha Particle activity including radium-226 but excluding radon and uranium.

(c) Combined radium-226 and radium-228.

(d) For systems using surface water.

(e) Treatment Technique (filtration and disinfection) required.

(f) Performance Standard 0.5 NTU to 1.0 NTU.

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

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

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**Subdivision**  
**Ordinance 001-98**

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**Revised: May 6, 1998**
Note to Table 2:

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

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

**Liquid Waste Plan**

For a subdivider to document conformance with the liquid waste disposal requirements of these regulations and the New Mexico Subdivision Act, a liquid waste disposal documentation package shall accompany the preliminary plat submittal.

A. The liquid waste disposal documentation package shall:

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

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

(1) an engineer’s report and preliminary plans for the proposed community liquid waste system;

(2) maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed liquid waste treatment and liquid waste disposal site; and,

(3) documentation of the filing of a “Notice of Intent to Discharge” with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.

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

(1) a soils investigation report (soil survey, soil borings to a minimum depth of eight (8) feet, soil test results and analysis of the soil survey, soil boring, and soil test) 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, delineate the areas of suitable, limited, and prohibitive soil categories as described in Table 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.

**Liquid Waste Disposal Requirements**

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

A. Community liquid waste systems.

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

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

B. Individual liquid waste systems.

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

(2) Individual liquid waste systems shall not be installed where an existing community liquid waste system is available for use within the subdivision; installed in subdivisions or on lots with sizes less than shown in Table 4; installed in prohibitive soils as shown in Table 5; installed at less than the setback distances shown in Table 6; or, privies (outhouses) or holding tanks if a water supply system is to be used.

(3) The subdivider shall disclose and covenant that the lots can not be further divided or subdivide to lot sizes smaller than those approved for the subdivision.
TABLE 4. – LOT SIZES FOR INDIVIDUAL LIQUID WASTE SYSTEMS

<table>
<thead>
<tr>
<th>Minimum Average Lot Size for Subdivision</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.00 acres</td>
<td>1.00 acres</td>
</tr>
</tbody>
</table>

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

TABLE 5. – SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE

<table>
<thead>
<tr>
<th>Soil Characteristics</th>
<th>Soil Category (a)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Suitable (b)</td>
</tr>
<tr>
<td></td>
<td>Limiting (c)</td>
</tr>
<tr>
<td></td>
<td>Prohibitive (d)</td>
</tr>
<tr>
<td>Percolation Rate (minutes per inch)</td>
<td>5-60</td>
</tr>
<tr>
<td>Slope (percent)</td>
<td>0-8</td>
</tr>
<tr>
<td>Soil Depth to Seasonal High Ground Water Table or Bedrock or Other Limiting Soil Layer (feet)</td>
<td>8 or more</td>
</tr>
<tr>
<td>Flood Plain</td>
<td>Outside</td>
</tr>
</tbody>
</table>

Notes to Table 5:

(a) A soil category is determined by the most limiting soil characteristic.

(b) A suitable soil is a soil suited for the installation and functioning of a conventional disposal system. Conventional disposal systems or alternative disposal systems may be used in suitable soils.

(c) A limiting soil is a soil unsuited for the installation and functioning of a conventional disposal system. Alternative disposal systems are used in limiting soils.

(d) A prohibitive soil is a soil unsuited for the installation and functioning of either a conventional disposal system or an alternative disposal system. Individual liquid waste systems can not be used in prohibitive soils.

TABLE 6. – SETBACK DISTANCE FROM INDIVIDUAL LIQUID WASTE SYSTEMS

<table>
<thead>
<tr>
<th>Object</th>
<th>Required Minimum Setback Distance (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treatment Unit</td>
<td>Disposal System</td>
</tr>
<tr>
<td>Individual Water Supply System Source</td>
<td>50</td>
</tr>
<tr>
<td>Public Water Supply System Source</td>
<td>100</td>
</tr>
<tr>
<td>Edge of Watercourses Except Canals and Arroyos</td>
<td>50</td>
</tr>
<tr>
<td>Edge of Unlined Canals and Arroyos</td>
<td>15 + depth of channel</td>
</tr>
<tr>
<td>Edge of Lined Canals</td>
<td>10 + depth of channel</td>
</tr>
<tr>
<td>Public Lakes</td>
<td>50 (a)</td>
</tr>
</tbody>
</table>

Subdivision
Ordinance 001-98
Page 156 of 250
Revised: May 6, 1998
Notes to Table 6:

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

**Solid Waste Plan**

A. The Catron County Ordinance 003-96 SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE OF CATRON COUNTY, NEW MEXICO shall be followed in developing a solid waste plan.

**Road Development and Design Plan**

(§ 47-6-19 NMSA 1978)

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

1. the proposed use of the subdivision;
2. the period of time before the roads will receive substantial use;
3. the period of time before construction of homes will commence on the portion of the subdivision serviced by the road;
4. the county regulations governing phased development; and,
5. the needs of prospective purchasers, lessees, and other persons acquiring an interest in subdivided land in viewing the land within the subdivision.

B. All proposed roads shall comply to minimum county road standards.

C. The Board of County Commissioners shall not approve the grading or construction of roads unless and until the subdivider can reasonably demonstrate that the roads to be constructed will receive use and that the roads are required to provide access the parcels or improvements within twenty-four (24) months from the date of construction of the road.

D. 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.
Terrain Management Plan

A. Any person seeking approval of a subdivision plat must submit a terrain management plan. No subdivision plat shall be approved unless the terrain management plan has been approved by the Commission. The Commission may approve a terrain management plan if it determines that the plan conforms to the requirements of the New Mexico Subdivision Act and the Catron County Subdivision Regulations.

B. Open Space – The Commission after giving due consideration to the population density in the area may require a subdivider preserve or dedicate a portion of the subdivision for parks, recreation areas or other open space uses.

C. Terrain management plans for type-three subdivision shall contain:

(1) Maps with the following information:

   (a) a vicinity map drawn to a scale approved at the pre-application meeting showing 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 miles of the subdivision.

   (b) a subdivision map drawn to a scale approved at the pre-application meeting.

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

   (d) contours at approved intervals.

   (e) an overlay showing the location of all proposed lots, roads, bridges, water, and erosion control structures, and utility easement in relation to the existing contours;

   (f) a overlay showing the finished contours of the subdivision after the subdivider’s proposals have been implemented using contour intervals equal to or less than those on the existing contour map;

   (g) the location of all cuts and fills;

   (h) the location of all drainage channels, watercourses, water bodies, floodways, flood fringes, and floodplains;

   (i) the location of all areas with major rock outcroppings, slopes over 8% and wooded areas;
(j) the location of all areas which the subdivided intends to revegetate; and,

(k) the location of all areas in which the subdivider intends to preserve vegetation;

(l) design and construction of erosion control structures; revegetation, and stabilization plans shall comply with the District’s standards and specifications for such measures.

(2) A soil survey if available from the Soil Conservation Service 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 or a discussion of the soil types and their suitability for the proposed use.

(3) A surface drainage proposal will be required by the Commission including:

(a) storm drainage computation showing the estimated runoff from the subdivision prior to and following completion of development;

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

(c) all appropriate design details necessary to clearly explain the construction of all necessary water control structures.

(4) A subsurface drainage description including:

(a) an overlay drawn to the scale of the subdivision map locating areas where the seasonal high water table is:

(1) within twelve (12) feet of ground water;

(2) 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 plan setting forth the means of stabilizing all cuts and fill 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/revegetation date for disturbed areas;
(d) installation date of storm drainage systems;
(e) installation date for all roads;
(f) surfacing and or paving date of roads and parking areas;
(g) installation date of recreation structures and other community improvements;
(h) installation date of recreation structures and other community improvements;

(8) The legal description of the subdivision including the range, township, and section within which the subdivision is located; and,

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

Cultural Properties Plan

A. Unmarked Human Burials

(1) 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.

(2) All subdividers shall comply with the requirements of 18-6-11.2 NMSA 1978, which prohibits the knowing, willful, and intentional excavation, removal, disturbance, or 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 Office.

B. 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,

(1) 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 the effect in the application package for subdivision approval; or,

(2) 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 subdivider will then consult with the Historic Preservation Division pursuant to the Cultural Properties Act 18-6-1 through 18-6-17 NMSA 1978.

**Information Reports**

(§ 47-6-21 NMSA 1978)

In determining whether the subdivider can fulfill the requirements of the subdivision and the proposals contained in his disclosure statement the appropriate public agency may request, through the Board of County Commissioners, that the subdivider submit such information as the agency may feel necessary to permit it to make that determination.

**Public Agencies Required to Provide Counties With Information**

(§ 47-6-20 NMSA 1978)

A. Any public agency receiving a request from the Board of County Commissioners for an opinion pursuant to Section 47-6-11 NMSA 1978 shall furnish the board with the requested opinion within the time period set forth in Subsection A of Section 47-6-22 NMSA 1978. The Board of County Commissioners shall furnish the appropriate public agency with all relevant information that the board has received from the subdivider on the subject for which the board is seeking an opinion. If the public agency does not have sufficient information upon which to base an opinion, the public agency shall notify the board of this fact.

B. All opinion requests mailed by the Board of County Commissioners shall be by certified mail “return receipt requested” Boards of County Commissioners delivering opinion requests shall obtain receipts showing the day the opinion request was received by the particular public agency.

**Public Hearings on Preliminary Plats**

(§ 47-6-14 NMSA 1978)

The Board of County Commissioners shall adhere to the following requirements concerning public hearings on preliminary plats.

A. Notice of the hearing shall be given at least twenty-one (21) days prior to the hearing date and shall state:
(1) the subject of the hearing;

(2) the time and place of the hearing;

(3) the manner for interested persons to present their views; and,

(4) the place and manner for interested persons to secure copies of any favorable or adverse opinion and of the subdivider’s proposal. The Board of County Commissioners may impose a reasonable charge for the costs of reproducing and mailing the opinions and proposals.

B. The notice shall be published in a newspaper of general circulation in the County.

C. Reasonable effort shall be made to give notice to all persons who have made a written request to the Board of County Commissioners for advance notice of its hearings. Notice shall also be given to any public agency that issued an opinion or withheld an opinion on the basis of insufficient information.

D. Public hearings on preliminary plats shall be held within thirty (30) days from the receipt of all requested public agency opinions where all such opinions are favorable, or within thirty (30) days from the receipt of all requests public agency opinions where all such opinions are favorable, or within thirty (30) days from the date all public agencies complete their review of any additional information submitted by the subdivider pursuant to Section 47-6-11 NMSA 1978. If the Board of County Commissioners does not receive a requested opinion within the thirty-day (30) period, the board shall proceed.

E. At the hearing, the Board of County Commissioners shall allow all interested persons a reasonable opportunity to submit data, views, or arguments, orally in writing, and to examine witnesses testifying at the hearing.

F. The Board of County Commissioners shall approve, approve with conditions, or disapprove the preliminary plat within thirty (30) days of the public hearing at a public meeting of the Board of County Commissioners.

Expiration of Preliminary Plat

(§ 47-6-11.1 NMSA 1978)

A. An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval, or after any additional period of time as may be prescribed by county regulations, not to exceed an additional twelve (12) months. However, if the subdivider proposes to file multiple final plats as provided for under county regulations governing phased development, each filing of a final plat shall extend the expiration of the approved or
conditionally approved preliminary plat for an additional thirty-six (36) months from the date of its expiration or the date of the previously filed final plat, whichever is later. The number of phased final plats shall be determined by the Board of County Commissioners at the time of the approval or conditional approval of the preliminary plat.

B. Prior to the expiration of the approved or conditionally approved preliminary plat, the subdivider may submit an application for extension of the preliminary plat for a period of time not exceeding a total of three years. The period of time specified in this subsection shall be in addition to the period of time provided in Subsection A of this section.

C. 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.

**Final Plat: Description**

(§ 47-6-3 NMSA 1978)

A. Any person desiring to subdivide land shall have a final plat of the proposed subdivision certified by a surveyor registered in New Mexico. The final plat shall:

1. define the subdivision and all roads by reference to permanent monuments;
2. accurately describe legal access to, roads to and utility easements for each parcel, and if the access or easements are based upon an agreement, the recording data in the land records for the agreement;
3. number each parcel in progression, give its dimensions and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting or adjacent to the land; and,
4. delineate those portions of the subdivision that are located in a flood plain.

B. Descriptions of parcels by number and plat designation are valid in conveyances and valid for the purpose of taxation.

**Final Plat Acknowledgment; Affidavit**

(§ 47-6-4 NMSA 1978)

Every 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 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 subdivision lies within the subdivision regulation jurisdiction of the County. A copy of the final plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease, or other conveyance.

**Water Permit Required for Final Plat Approval**

(§ 47-6-11.2 NMSA 1978)

On or after July 1, 1997, before approving the final plat for a subdivision containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, the Board of County Commissioners may require that the subdivider provide a copy of a permit obtained from the State Engineer, issued pursuant to Section 72-5-1, 72-5-23, or 72-5-24 NMSA 1978, or if the subdivision is located within a declared underground water basin, provide a copy of a permit obtained from the State Engineer issued pursuant to those sections, or to Section 72-12-3, or 72-12-7 NMSA 1978, for the subdivision water use. In acting on the permit application, the State Engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. The Board of County Commissioners may elect not to approve the final plat if the State Engineer has not issued a permit for the subdivision water use.

**Schedule of Compliance**

(§ 47-6-24 NMSA 1978)

In approving final subdivision plats, the Board of County Commissioners may require the subdivider to set forth a schedule of compliance with county subdivision regulations that is acceptable to the Board of County Commissioners.

**Dedication for Public Use; Maintenance**

(§ 47-6-5 NMSA 1978)

The final plat shall contain a certificate stating that the Board of County Commissioners 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 or dedications. Upon full conformance with the county road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the Office of the County Clerk or a resolution of acceptance by the Board of County Commissioners is filed in such office.
Approval of Final Plats

(§ 47-6-1.3 NMSA 1978)

A. After the approval or conditional approval of a preliminary plat and prior to the expiration of such plat, the subdivider may prepare a final plat in accordance with the approved or conditionally approved preliminary plat.

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

C. If, at the time of approval of the final plat, any public improvements have not been completed by the subdivider as required by the Board of County Commissioners pursuant to the New Mexico Subdivision Act or county subdivision regulations, the Board of County Commissioners shall, as a condition precedent to the approval of the final plat, require the subdivider to enter into an agreement with the County upon mutually agreeable terms to thereafter complete the improvements at the subdivider’s expense.

Filing With County Clerk; Duties of County Clerk

(§ 47-6-6 NMSA 1978)

The County Clerk shall not accept for filing any final plat subject to the New Mexico Subdivision Act and the County Commission that has not been approved as provided in the New Mexico Subdivision Act and these regulating. Whenever separate documents are to be recorded concurrently with the final plat, the County Clerk shall cross-reference such documents. Preliminary plats shall not be filed with the County Clerk.

Requirements Prior to Sale, Lease or Other Conveyance

(§ 47-6-8 NMSA 1978)

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

A. the final plat has been approved by the Board of County Commissioners and has been filed with the Clerk of the County in which the subdivision is located. Where a subdivision lies within more than one county, the final plat shall be approved by the Board of County Commissioners of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located;
B. the subdivider has furnished the Board of County Commissioners a sample copy of his sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land; and,

C. all corners of all parcels and blocks within a subdivision have been permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

**Time Limit on Administrative Action**

(§ 47-6-22 NMSA 1978)

A. 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 from the Board of County Commissioners does not receive a requested opinion within the thirty-day (30) period, the board shall proceed in accordance with its own best judgment concerning the subject of the opinion request. 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 were acceptable or unacceptable or adequate or inadequate.

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

C. 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, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate stating that the final plat has been approved.
Final Plat Review for Subdivision Types 1, 2, 3*, 4

Approval or Conditional Approval Of Preliminary Plat
47-6-14F

Subdivider Transmits Final Plat to BCC
47-6-11.3

Plat Deemed Complete by BCC

Max 30 days

Public Meeting 47-6-22B

Final Plat Approved Or Denied with Findings

No Action Taken 47-6-22C

Subdivider Submits Written Notice to County Of Failure to Act

Begin Appeal Process 47-6-15

Agreement to Complete Improvements if Necessary

Max 30 days

Final Plat Approved Or Disapproved

No Action Taken

Final Plat Approved on Demand by Subdivider

Approved Plat Filed with County Clerk 47-6-8

Note: 1. BCC= Board of County Commissioners
2. Some Type 3 Subdivisions qualify for summary review.

MRGCOC
1/96
Right of Inspection; Rescission

(§ 47-6-23 NMSA 1978)

If the purchaser, lessee or other person acquiring an interest in the subdivided land has not inspected his parcel prior to the time of purchase, subdivided land has not inspected his parcel prior to the time of purchase, lease or other conveyance, the purchase, lease, or other conveyance agreement shall contain a provision giving the purchaser, lessee, or other person acquiring an interest in the subdivided land six (6) months within which to personally inspect his parcel. After making the personal inspection within the six-month period, the purchaser, lessee, or other person acquiring an interest in the subdivided land has the right to rescind the purchase, lease, or other conveyance agreement and receive a refund of all funds paid on the transaction to the seller, lessor, or other conveyor of subdivided land when merchantable title is revested in the seller, lessor, or other conveyor of subdivided land. Notice of such rescission to the seller, lessor, or other conveyor of subdivided land shall be made in writing and shall be given within three (3) days of the date of personal inspection.

Disclosure Statement Form for Type-Three Subdivision

DISCLOSURE STATEMENT

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

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

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

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

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

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

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

Building permits, wastewater permits, or other use permits must be issued by state officials before improvements are constructed. You should investigate the availability of such permits before your 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)

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)

4. **SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED**
<table>
<thead>
<tr>
<th>Present</th>
<th>Anticipated</th>
</tr>
</thead>
<tbody>
<tr>
<td>(number of parcels)</td>
<td>(number of parcels)</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>5.</td>
<td>SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE, OR CONVEYANCE WITHIN THE SUBDIVISION</td>
</tr>
<tr>
<td></td>
<td>(size of largest parcel in area)</td>
</tr>
<tr>
<td>6.</td>
<td>SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE, OR CONVEYANCE WITHIN THE SUBDIVISION</td>
</tr>
<tr>
<td></td>
<td>(size of smallest parcel in acres)</td>
</tr>
<tr>
<td>7.</td>
<td>PROPOSED RANGE OF PRICES FOR SALES, LEASES, OR OTHER CONVEYANCES</td>
</tr>
<tr>
<td></td>
<td>($ = lowest amount) (size of parcel sold, leased, or conveyed)</td>
</tr>
<tr>
<td></td>
<td>($ = highest amount) (size of parcel sold, leased, or conveyed)</td>
</tr>
<tr>
<td>8.</td>
<td>FINANCING TERMS</td>
</tr>
<tr>
<td></td>
<td>(interest rate)</td>
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<tr>
<td></td>
<td>(term of loan or contract)</td>
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<tr>
<td></td>
<td>(minimum down payment)</td>
</tr>
<tr>
<td></td>
<td>(service charges and/or escrow fees)</td>
</tr>
<tr>
<td></td>
<td>(premium for credit life or other insurance if it is a condition for giving credit)</td>
</tr>
<tr>
<td></td>
<td>(closing costs)</td>
</tr>
</tbody>
</table>
(any other information required by the Truth in Lending Act and Regulations if not set forth above)

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE
(name of person who is recorded as having legal title)

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

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

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE
(name of person who is recorded as having equitable title)

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

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

11. CONDITION OF TITLE
Include at least the following information where applicable

(number of mortgages)

(name and address of each mortgagee)

((balance owing on each mortgage)

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

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

(balance owing on each real estate contract)

(summary of default provisions of each real estate contract)

(summary of release provisions of each real estate contract)

(statement of any other encumbrances on the land)

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

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

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

13. **ESCROW AGENT**

(name of escrow agent)

(address)

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

(name of entity providing electricity, if available)  (estimated cost per parcel)
-------------------------------------------------------------------------------------------------------------

(name of entity providing gas services, if available)  (estimated cost)
-------------------------------------------------------------------------------------------------------------

(name of entity providing water, 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 start here)
-------------------------------------------------------------------------------------------------------------

(if utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel)
-------------------------------------------------------------------------------------------------------------
(state whether each utility will be above ground or underground)

<table>
<thead>
<tr>
<th>Utility</th>
<th>Above ground</th>
<th>Underground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
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<td>Gas</td>
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<td>Water</td>
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<td>Telephone</td>
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<tr>
<td>Liquid waste disposal</td>
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<td></td>
</tr>
<tr>
<td>Solid waste disposal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

17. **WATER AVAILABILITY**

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

-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

(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)

-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

(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)

-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

24. **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)

25. **FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WALLS 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 depth to be reasonably expected)

(recommended total depth of well)

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

26. **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 of the source and yield of the surface water supply and any restrictions to which the surface water supply is subject to)

28. 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)

29. 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)

30. 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)
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 NEW MEXICO ENVIRONMENT DEPARTMENT.

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 New Mexico Environment Department’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)

33. TERRAIN MANAGEMENT

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

(District’s soil survey for Catron County, if any)

(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)
34. **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)

________________________________________________________________________________________

(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. NEW MEXICO DEPARTMENT OF TRANSPORTATION’S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Department of Transportation 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 subdivision 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 a distance to nearest public high school serving the subdivision)

42. **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 shipping facilities and route over which that distance is computed)

42. **PUBLIC TRANSPORTATION**

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

END OF DISCLOSURE STATEMENT
ARTICLE 8        TYPE FOUR SUBDIVISION

Definition

Type-Four subdivision means any subdivision containing from twenty-five (25) or more parcels, any of which is ten acres in size or more in size.

Pre-Application Procedure

A. Previous to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the reviewing staff and/or County personnel to become acquainted with these Land Subdivision Regulations. At this application conference the subdivider shall be advised of the following:

1. Submittals required by these regulations in the filing of an application for approval of preliminary plat.

2. A determination will be made as to the type and/or class of the proposed subdivision.

3. Individuals and/or agencies that shall review the required submittals.

4. The required improvements.

B. The subdivider shall bring a sketch plan to the pre-application conference, as well as a draft of a disclosure statement, as required by the New Mexico Subdivision Act and these regulations. After conferring with the subdivider and reviewing the sketch plan and draft disclosure statement, the reviewing staff and/or County personnel shall determine the type of subdivision proposed, as defined in the New Mexico Subdivision Act and these regulations, and shall further inform the subdivider concerning the feasibility of the proposed subdivision pursuant to the New Mexico Subdivision Act and these regulations. The subdivider may then elect to proceed with the complete preliminary plat application or may revise his subdivision plans and schedule a second pre-application conference.

Pre-Application Data

A. Pre-Application Data Requirements

1. Sketch plan: A sketch plan shall be prepared by the subdivider which shows the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area.

2. Additional information: In addition to the sketch plan and location map, the subdivider shall provide information including the following:
(a) name and mailing address of the subdivider and designated agent, if any;

(b) name of owner or owners of land to be subdivided;

(c) a written description of the proposed subdivision;

(d) a description of surrounding land uses; and

(e) accessibility of site to roads and utilities.

Preliminary Plat Review Process

(§ 47-6-11 NMSA 1978)

A. Preliminary plat shall be submitted for Type-Four subdivisions.

B. Prior to approving the preliminary plat, the Board of County Commissioners of the county in which the subdivision is located shall require that the subdivider furnish documentation of:

(1) water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;

(2) water of an acceptable quality for human consumption and measures to protect the water supply from contamination;

(3) the means of liquid waste disposal for the subdivision;

(4) the means of solid waste disposal for the subdivision;

(5) satisfactory roads to each parcel, including ingress and egress for emergency vehicles and utility easements to each parcel;

(6) terrain management to protect against flooding, inadequate drainage, and erosion; and

(7) protections for cultural properties, archaeological sites, and unmarked burials that may be impacted directly by the subdivision, as required by the Cultural Properties Act [§ 18-6-1 to 18-6-17 NMSA 1978]

C. In addition to the requirements of Subsection B of this section, prior to approving the preliminary plat, the Board of County Commissioners of the County in which the subdivision is located shall:
(1) determine whether the subdivider can fulfill the proposals contained in his disclosure statement required by Section 47-6-17 NMSA 1978, and

(2) determine whether the subdivision will conform with the New Mexico Subdivision Act and the county’s subdivision regulations.

D. The Board of County Commissioners shall not approve the preliminary plat if the subdivider cannot reasonably demonstrate that he can fulfill the requirements of subsection B and C of this section.

E. Any subdivider submitting a preliminary plat for approval shall submit sufficient information to the Board of County Commissioners to permit the board to determine whether the subdivider can fulfill the requirements of Subsection B and C of this section.

F. In determining whether a subdivider can fulfill the requirements of Subsections B and C of this section, the Board of County Commissioners shall, within ten days after the preliminary plat is deemed complete, request opinions from:

(1) the State Engineer to determine:

   (a) whether the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses; and,

   (b) whether the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality;

(2) the Department of Environment to determine:

   (a) 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];

   (b) 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 [Chapter 74, Article 6 NMSA 1978] and the Solid Waste Act [74-9-1 NMSA 1978]; and

   (c) whether the subdivider can fulfill the proposals contained in his/her disclosure statement concerning water quality and concerning liquid and solid waste disposal facilities;
(3) the New Mexico Department of Transportation to determine whether the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations promulgated pursuant to Section 67-3-16 NMSA 1978;

(4) the Soil and Water Conservation District to determine:

(a) whether the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage, and erosion;

(b) whether the subdivider can fulfill the proposals contained in his disclosure statement concerning terrain management; and

(5) such other public agencies as the county deems necessary, such as local school districts and fire districts, to determine whether there are adequate facilities to accommodate the proposed subdivision.

G. If, in the opinion of each appropriate public agency, a subdivider can fulfill the requirements of Subsection F of this section, then the Board of County Commissioners shall weigh these opinions in determining whether to approve the preliminary plat at a public hearing to be held in accordance with Section 47-6-14 NMSA 1978.

H. If, in the opinion of the appropriate public agency, a subdivider cannot fulfill the requirements of Subsection F of this section, or if the appropriate public agency does not have sufficient information upon which to base an opinion on any one of these subjects, the subdivider shall be notified of this fact by the Board of County Commissioners, and the procedure set out below shall be followed:

(1) if the appropriate public agency has rendered an adverse opinion, the Board of County Commissioners shall give the subdivider a copy of the opinion;

(2) the subdivider shall be given thirty (30) days from the date of notification to submit additional information to the public agency through the Board or County Commission; and

(3) the public agency shall have thirty (30) days from the date the subdivider submits additional information to change its opinion, or issue a favorable opinion when it has withheld one because of insufficient information. No more than thirty (30) days following the date of the expiration of the thirty-day (30) period, during which the public agency reviews any additional information submitted by the subdivider, the Board of County Commissioners shall hold a public hearing in accordance with Section 47-6-14 NMSA 1978 to determine whether to approve the preliminary plat. Where the public agency has rendered an adverse opinion, the subdivider
has the burden of showing that the adverse opinion is incorrect either as to factual or legal matters.

Preliminary Plat Data

A. Preliminary Plat Format: As part of the application for preliminary a plat approval, the subdivider shall submit twelve blueline copies of the preliminary, which shall be drawn at a scale agreed upon at the pre-application meeting. The scale shall be at the proper scale to show information in a clear manner. The preliminary plat shall be presented on a sheet or sheets twenty-four (24) inches wide by thirty-six (36) inches long within which are borders one-half (1/2) inch wide on all sides. Where necessary, the plat may be more than one sheet, provided that if by an index sheet of the same size, showing the entire subdivision.

B. Preliminary Plat Content: The plat shall show all proposals, including but not limited to the following:

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

2. Streets, names, right-of-ways widths, approximate grades over 6%, distance between intersections, and curve radii.

3. Proposed right-of-way easements, location, width, and purpose.

4. Approximate lot dimensions, lot, and block numbers.

5. Sites to be reserved or dedicated for public use. If roads are to be private, this should be stated on the plat, as well as information concerning responsibility for maintenance of the road.

6. Site date, total acreage, the number of lots, the minimum and typical lot area, and the acreage proposed for public use, if any.

7. A disclosure statement in accordance with the New Mexico Subdivision Act and these regulations.

C. Supplementary Plan and Data: All plans shall contain the subdivider’s name and address and the disclosure statement and a schedule of compliance. Any variance requested to any of these plans shall be filed with the preliminary plat. Plans must contain:

1. Water Plan.
(2) Water Quality Plan.
(3) Liquid Waste Plan.
(4) Solid Waste Plan.
(5) Road Development and Design Plan.
(6) Terrain Management Plan.
(7) Cultural Properties Plan.
Preliminary Plat Review for Subdivision Types 1, 2, 3*, 4

1. BCC=Board of County Commissioners
2. Some Type 3 Subdivisions qualify
3. For summary review.

Note: 1. BCC=Board of County Commissioners
8. Some Type 3 Subdivisions qualify
9. For summary review.
Disclosure

(§ 47-6-17 NMSA 1978)

A. Prior to selling, leasing, or otherwise conveying any land in a subdivision, the subdivider shall disclose in writing such information as the Board of County Commissioners requires, by regulations, to permit the prospective purchasers, lessee, or other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease, or other conveyance of the land.

B. The disclosure statement for subdivisions with not fewer than five (5) and not more than one hundred (100) parcels shall contain the following information:

1. the name of the subdivision;
2. name and address of the subdivider and the name and address of the person in charge of sales or leasing in New Mexico;
3. total acreage of the subdivision, both present and anticipated;
4. size of the largest and smallest parcels offered for sale, lease, or other conveyance within the subdivision and the proposed range of selling or leasing prices including financing terms;
5. distance from the nearest town to the subdivision and the route over which this distance is computed;
6. name and address of the person who is recorded as having legal and equitable title to the land offered for sale, lease, or other conveyance;
7. a statement of the condition of title including any encumbrances;
8. a statement of all restrictions or reservations of record that subject the subdivided land to any conditions affecting its use or occupancy;
9. name and address of the escrow agent, if any;
10. a statement as to availability and cost of public utilities;
11. a statement describing the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and describing the availability of water to meet the maximum annual water requirements;
12. a statement describing the quality of water in the subdivision available for human consumption;
(13) a description of the means of liquid waste disposal for the subdivision;

(14) a description of the means of solid waste disposal for the subdivision;

(15) a description of the means of water delivery within the subdivision;

(16) the average depth to water within the subdivision if water is available only from subterranean sources;

(17) a description of access to the subdivision;

(18) a statement disclosing whether the roads and other improvements within the subdivision will be maintained by the County, the subdivider, or an association of lot owners and what measures have been taken to ensure that maintenance will take place;

(19) a description of the subdivider’s provisions for terrain management;

(20) a summary, approved by the issuing state agency, of the opinions, if any, whether favorable, or adverse, provided by state agencies to the Board of County Commissioners concerning any one of the points listed above;

(21) a statement that the subdivider shall record the deed, real estate contract, lease, or other instrument conveying an interest in subdivided land with the appropriate County Clerk within thirty (30) days of the signing of such instrument by the purchaser, lessee, or other person acquiring an interest in the land; and,

(22) a statement advising the purchaser, lessee, or other person acquiring an interest in subdivided land that building permits, wastewater permits, or other use permits are required to be issued by state or before improvements are constructed; and that further, he/she is advised to investigate the availability of such permits before purchase, lease, or other conveyance and whether these are requirements for construction of additional improvements before he may occupy the property.

C. The disclosure statement for subdivisions with one (100) hundred or more parcels shall contain all of the information required in Subsection B of this section as well as the following information:

(1) a statement of any activities or conditions adjacent to or nearby the subdivision that would subject the subdivided land to any unusual conditions affecting its use or occupancy;
(2) a description of all recreational facilities, actual and proposed, in the subdivision;

(3) a statement as to the availability of:
   (a) fire protection;
   (b) police protection;
   (c) public schools for the inhabitants of the subdivision, including a statement concerning the proximity of the nearest elementary and secondary schools;
   (d) hospital facilities;
   (e) shopping facilities; and,
   (f) public transportation; and,

(4) a statement setting forth the projected dates upon which any of the items mentioned in this section for which the subdivider has responsibility will be completed if they are not yet completed.

D. Disclosure statements shall be in the form that the Board of County Commissioners, after consultation with the Attorney General, may require by regulations.

E. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act [15 U.S.C. 1701 et seq.] may submit his approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act [disclosure statement]. 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.

F. It is unlawful to sell, lease, or otherwise convey land in a subdivision until:
   (1) the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners, and the Attorney Generals Office; and
   (2) the prospective purchaser, lessee, or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

Quantification of Annual Water Requirements

The following procedures shall be used to quantify the maximum allowable subdivision water use per year, for all subdivisions:
A. Should a subdivider limit the maximum area of irrigated landscape and/or prohibit other outdoor water uses, the subdivider may calculate the maximum annual water requirements for both indoor and outdoor purposes by multiplying the number of parcels by a minimum factor of .35 acre-feet.

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

C. A detailed water demand analysis shall be prepared for 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.

**Water Availability Assessment**

**Water Availability Assessment for All Type-Four Subdivisions**

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

   (1) as a condition of preliminary subdivision plat approval for all Type-Four subdivisions.

B. The requirements of the water availability assessment as 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 provide a reasonable demonstration that a twenty (20) year supply will be available for the intended purposes of the subdivision, and shall submit a geohydrologic report in accordance with Subsection C.

   (2) for subdivisions where the source of supply will be a new surface water diversion and community system permitted pursuant to Section 72-5-1, 72-5-23, or 72-5-24 NMSA 1978, the subdivider shall submit a hydrologic report in accordance with Subsection D.

   (3) for subdivisions where the source of supply will be an existing community or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-1, or 72-12-3, the subdivider shall submit a water utility plan in accordance with Subsection E.

   (4) for subdivisions where the source of water will be individual domestic wells, or shared wells permitted pursuant to Section 72-12-1, the subdivider
shall provide a reasonable demonstration that a twenty (20) year supply will be available for the intended purposes of the subdivision, and shall submit a geohydrologic report in accordance with Subsection F.

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

(1) geohydrologic reports shall demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for a continuous period of twenty (20) years. These analyzes shall take into account the production of existing wells and shall reasonably demonstrate that the subdivision wells, are proposed or as designated, will be capable of producing the full annual demand for at least twenty (20) years.

(2) the subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on wells located on contiguous property. Alternately, tests can be conducted on nearby off-site wells on contiguous property if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.

(3) the assessment shall include a calculated twenty (20) year schedule of effects on the proposed subdivision’s production well(s) which may result from existing demands and from the increase of ground water withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C(4). Predicted drawdown shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses based upon the Catron County water plan.

(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 fifteen (15) percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:
(a) by using the results of acceptable on-site aquifer pump test. The lowest allowable pumping level may be the lowest water level reached during, the test.

(b) by setting the level at the top of the uppermost screened interval.

(c) in wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.

(d) in wells completed in alluvial aquifers, the lowest practical pumping, water level may be defined by a maximum allowable drawdown equal to 70% of the initial water column.

(5) The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including, basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps, and cross-sections shall be included.

D. For new surface water diversions and community water systems using surface water the subdivider shall submit a hydrologic report which meets the following requirements:

(1) The hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the subdivision is physically available. These analyses shall include the following:

(a) narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to groundwater diversion, analyses of relevant historical runoff records, and projected water supply available for the subdivision requirements. Applicable legal or water rights constraints on water availability shall be considered.

(b) if the analysis of the historical runoff record indicates possible shortages in the projected water supply available for the subdivision requirements the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
if a supplemental groundwater supply is proposed, the subdivider shall prepare a geohydrologic assessment in accordance with Subsection C.

E. For community water systems in which existing utility companies are proposed as the source of water supply the subdivider shall submit a water supply plan which meets the following requirements:

(1) For all water utilities:

(a) name of the utility proposed as the source of supply. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least twenty (20) years. The letter must also state any requirement for the subdivider to provide water rights.

(2) For water utilities other than municipal owned water utilities:

(a) documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the proposed subdivision for a period no less than twenty (20) years. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least twenty (20) years.

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

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

(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. For subdivisions where the source of water will be individual domestic wells, or shared wells, permitted under Section 72-12-1 NMSA, the subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements.
(1) Geohydrologic reports shall demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for a continuous period of twenty (20) years. These analyzes shall take into account the production of existing wells and shall reasonably demonstrate that the subdivision wells, as proposed or as designated, will be capable of producing the full annual demand for at least twenty (20) years.

(2) The subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on wells located on contiguous property. Alternately, tests can be conducted on nearby off-site wells on contiguous property if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.

(3) The assessment shall include a calculated twenty (20) year schedule of effects on the proposed subdivision’s production well(s) which may result from existing demands and from the increase of groundwater withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C(4). Predicted drawdown shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses based upon the Catron County water plan.

(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 15 percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:

(a) by using the results of acceptable on-site aquifer pump test. The lowest allowable pumping level may be the lowest water level reached during, the test.

(b) by setting the level at the top of the uppermost screened interval.
(c) in wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.

(d) in wells completed in alluvial aquifers, the lowest practical pumping, water level may be defined by a maximum allowable defined by a maximum allowable drawdown equal to 70% of the initial water column.

(5) The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including, basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps, and cross-sections shall be included.

(6) the geohydrologic report shall also include a calculated twenty (20) year schedule of off-site effects (drawdowns) and an evaluation of stream depletion effects (if applicable) which may result from the increase of groundwater withdrawals for the subdivision. These calculations shall include estimates of future water uses. The report shall identify by ownership and location all existing wells which will either go dry, experience dewatering of thirty (30) percent of their water column or more, or experience an average annual rate of water decline of one (1) foot or more as a consequence of the proposed subdivision’s groundwater diversions. The report shall also identify by name and location all springs, streams, acequias (ditches), canals, and dams, the flows of which will be diminishes by the proposed surface or groundwater diversions. All natural or man-made ponds, lakes, reservoirs, or wetlands that will be impacted shall also be identified.

G. The following manuals contain pertinent information for water and should be encouraged to read them.

WATER CONSERVATION AND QUANTIFICATION OF WATER DEMANDS IN SUBDIVISION—A GUIDANCE MANUAL FOR PUBLIC OFFICIALS AND DEVELOPERS.

CATRON COUNTY WATER PLAN, Catron County, New Mexico
Water Conservation

New Mexico State Laws and Federal laws pertaining to water conservation will be complied with, if applicable.

Water Quality

Catron County recognizes that the economic and general welfare of people in the County is dependent upon maintenance of adequate supplies of good quality water. The County recognizes that the issues of water availability and water quality are closely linked. The County is committed to efficient use and development of water resources to ensure both sustainability of supply and maintenance of water quality. The County supports the ongoing efforts to prevent contamination of surface and groundwater and to investigate and conduct the appropriate control and remediation of sources of water contamination in the County.

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

(1) The water quality documentation package shall:

(a) state the subdivider’s name and mailing address;

(b) state the date the package was completed;

(c) state the subdivider’s proposal for meeting the water quality requirements of these guidelines:

(d) be accompanied by a copy of the subdivider’s Disclosure Statement on water quality;

(e) be accompanied by the information listed in Subsections 2, 3, or 4 of this section as applicable to the water supply proposal; and,

(f) be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these guidelines.

(2) The subdivider is advised that the New Mexico Environment Department may, in a letter to the Catron County Commission, recommend further analysis in addition to that required by the County in Section A of these guidelines, should there be evidence to suggest or reason to suspect that water contaminants may exist within the public or private water supply
system(s) proposed by the subdivider. In this case, the Catron County Commission may require such further analysis as set forth in Section B of these guidelines.

(3) If a new public water supply system (fifteen [15] or more connections) is proposed, the following information shall be submitted as part of the water quality documentation package:

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

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

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

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

(e) maps identifying and showing the location of all identifiable potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed water supply source.

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

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

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

(c) an engineer’s report and preliminary plans for the proposed extensions to the existing water system.
(5) If private water supply systems (cluster wells serving less than fifteen [15]) connections are proposed, the following information shall be submitted as part of the water quality documentation package:

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

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

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

(d) maps identifying and showing the location of all identifiable potential sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.

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

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

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

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

(a) If the level for any of the contaminants listed in Table 2, below, exceeds the SMCL, the subdivider must state in the Disclosure Statement on water quality the name of the contaminant exceeded; the contaminant level; the SMCL of the contaminant; the expected
adverse effects of the contaminant for domestic water use; and, the recommended treatment method to reduce the contaminant level to or below the SMCL.

(3) A water supply source shall not be located at less than the setback distances shown in Table 3, below.

(4) The subdivision Disclosure Statement shall contain a statement describing the quality of water available for domestic use within the subdivision, and describing water quality in layman’s terms relation, to taste, discoloration of clothes, irritation to skin, odor, and degree of hardness of water.

**TABLE 1. – PRIMARY (HEALTH RELATED) CONTAMINANTS**

<table>
<thead>
<tr>
<th>Inorganic (IOC)</th>
<th>Microbiology</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Antimony</td>
<td>0.006 mg/1</td>
</tr>
<tr>
<td>Arsenic</td>
<td>0.05 mg/1</td>
</tr>
<tr>
<td>Asbestos</td>
<td>7 MFL (a)</td>
</tr>
<tr>
<td>Barium</td>
<td>2 mg/l</td>
</tr>
<tr>
<td>Beryllium</td>
<td>0.004 mg/l</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.005 mg/l</td>
</tr>
<tr>
<td>Chromium</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Copper</td>
<td>1.3 mg/l</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.2 mg/l</td>
</tr>
<tr>
<td>Fluoride</td>
<td>4.0 mg/l</td>
</tr>
<tr>
<td>Lead</td>
<td>0.015 mg/1</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.002 mg/1</td>
</tr>
<tr>
<td>Nickel</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Nitrate (as N)</td>
<td>10 mg/l</td>
</tr>
<tr>
<td>Nitrite (as N)</td>
<td>1 mg/l</td>
</tr>
<tr>
<td>Nitrate + Nitrite (both as N)</td>
<td>10 mg/l</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.05 mg/l</td>
</tr>
<tr>
<td>Thallium</td>
<td>0.002 mg/l</td>
</tr>
<tr>
<td>Radionuclide</td>
<td></td>
</tr>
<tr>
<td>Contaminant</td>
<td>MCL</td>
</tr>
<tr>
<td>Gross a particle activity (b)</td>
<td>15 pCi/l</td>
</tr>
<tr>
<td>Radium-226 &amp; -228 (e)</td>
<td>5 pCi/l</td>
</tr>
<tr>
<td>Strontium-90</td>
<td>8 pCi/l</td>
</tr>
<tr>
<td>Tritium</td>
<td>20000 pCi/l</td>
</tr>
<tr>
<td>Synthetic Organic (SOC)</td>
<td></td>
</tr>
<tr>
<td>Alachlor</td>
<td>0.002 mg/1</td>
</tr>
<tr>
<td>Atrazine</td>
<td>0.003 mg/1</td>
</tr>
</tbody>
</table>

**TABLE 3 – RECOMMENDED SETBACK DISTANCE**

<table>
<thead>
<tr>
<th>Water Supply Source</th>
<th>Setback Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not less than the distances shown in Table 3, below.</td>
<td></td>
</tr>
</tbody>
</table>

Revised: May 6, 1998
<table>
<thead>
<tr>
<th>Contaminant</th>
<th>SMCL</th>
<th>Contaminant</th>
<th>SMCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aluminum</td>
<td>0.05 to 0.2 mg/l</td>
<td>Manganese</td>
<td>0.05 mg/l</td>
</tr>
<tr>
<td>Chloride</td>
<td>250 mg/l</td>
<td>Odor</td>
<td>3 Ton</td>
</tr>
<tr>
<td>Color</td>
<td>15 CU</td>
<td>pH</td>
<td>6.5 to 8.5</td>
</tr>
<tr>
<td>Copper</td>
<td>1.0 mg/l</td>
<td>Silver</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Corrosivity</td>
<td>Non-corrosive</td>
<td>Sodium</td>
<td>100 (a) mg/l</td>
</tr>
<tr>
<td>Fluoride</td>
<td>2.0 mg/l</td>
<td>Sulfate</td>
<td>250 mg/l</td>
</tr>
<tr>
<td>Foaming Agents</td>
<td>0.5 mg/l</td>
<td>TDS</td>
<td>500 mg/l</td>
</tr>
<tr>
<td>Hardness</td>
<td>250 mg/l</td>
<td>Turbidity</td>
<td>5 NTU</td>
</tr>
<tr>
<td>Iron</td>
<td>0.3 mg/l</td>
<td>Zinc</td>
<td>5 mg/l</td>
</tr>
</tbody>
</table>

Notes to Table 1:

(a) Million Fibers longer than 10 [u]m per Liter.
(b) Gross alpha Particle activity including radium-226 but excluding radon and uranium.
(c) Combined radium-226 and radium-228.
(d) For systems using surface water.
(e) Treatment Technique (filtration and disinfection) required.
(g) Performance Standard 0.5 NTU to 1.0 NTU.
Note to Table 2:

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

**TABLE 3. – SETBACK DISTANCES FOR WATER SUPPLY SOURCES**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Tight Sewers</td>
<td>50</td>
<td>25</td>
</tr>
<tr>
<td>Other Sewers</td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Community Liquid Waste Treatment Systems</td>
<td>300</td>
<td>150</td>
</tr>
<tr>
<td>Individual Liquid Waste Treatment System</td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Community Liquid Waste Disposal System</td>
<td>600</td>
<td>300</td>
</tr>
<tr>
<td>Individual Liquid Waste Disposal System</td>
<td>200</td>
<td>100</td>
</tr>
<tr>
<td>Flood Plain</td>
<td>Outside</td>
<td>Outside</td>
</tr>
</tbody>
</table>

**Liquid Waste Plan**

For a subdivider to document conformance with the liquid waste disposal requirements of these regulations and the New Mexico Subdivision Act, a liquid waste disposal documentation package shall accompany the preliminary plat submittal.

A. The liquid waste disposal documentation package shall:

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

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

(1) an engineer’s report and preliminary plans for the proposed community liquid waste system;

(2) maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed liquid waste treatment and liquid waste disposal site; and,

(3) documentation of the filing of a “Notice of Intent to Discharge” with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.

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

(1) a soils investigation report (soil survey, soil borings to a minimum depth of eight (8) feet, soil test results and analysis of the soil survey, soil boring, and soil test) 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, delineate the areas of suitable, limited, and prohibitive soil categories as described in Table 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.

Liquid Waste Disposal Requirements

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

A. Community liquid waste systems.

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

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

B. Individual liquid waste systems.

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

(2) Individual liquid waste systems shall not be installed where an existing community liquid waste system is available for use within the subdivision; installed in subdivisions or on lots with sizes less than shown in Table 4; installed in prohibitive soils as shown in Table 5; installed at less than the setback distances shown in Table 6; or, privies (outhouses) or holding tanks if a water supply system is to be used.

(3) The subdivider shall disclose and covenant that the lots can not be further divided or subdivide to lot sizes smaller than those approved for the subdivision.
TABLE 4. – LOT SIZES FOR INDIVIDUAL LIQUID WASTE SYSTEMS

<table>
<thead>
<tr>
<th>Minimum Average Lot Size for Subdivision</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.00 acres</td>
<td>1.00 acres</td>
</tr>
</tbody>
</table>

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

TABLE 5. – SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE

<table>
<thead>
<tr>
<th>Soil Characteristics</th>
<th>Soil Category (a)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Suitable (b)</td>
</tr>
<tr>
<td>Percolation Rate (minutes per inch)</td>
<td>5-60</td>
</tr>
<tr>
<td>Slope (percent)</td>
<td>0-8</td>
</tr>
<tr>
<td>Soil Depth to Seasonal High Ground Water Table or Bedrock or Other Limiting Soil Layer (feet)</td>
<td>8 or more</td>
</tr>
<tr>
<td>Flood Plain</td>
<td>Outside</td>
</tr>
</tbody>
</table>

Notes to Table 5:

(a) A soil category is determined by the most limiting soil characteristic.

(b) A suitable soil is a soil suited for the installation and functioning of a conventional disposal system. Conventional disposal systems or alternative disposal systems may be used in suitable soils.

(c) A limiting soil is a soil unsuited for the installation and functioning of a conventional disposal system. Alternative disposal systems are used in limiting soils.

(d) A prohibitive soil is a soil unsuited for the installation and functioning of either a conventional disposal system or an alternative disposal system. Individual liquid waste systems can not be used in prohibitive soils.

TABLE 6. – SETBACK DISTANCE FROM INDIVIDUAL LIQUID WASTE SYSTEMS

<table>
<thead>
<tr>
<th>Object</th>
<th>Required Minimum Setback Distance (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Treatment Unit</td>
</tr>
<tr>
<td>Individual Water Supply System Source</td>
<td>50</td>
</tr>
<tr>
<td>Public Water Supply System Source</td>
<td>100</td>
</tr>
<tr>
<td>Edge of Watercourses Except Canals and Arroyos</td>
<td>50</td>
</tr>
<tr>
<td>Edge of Unlined Canals and Arroyos</td>
<td>15 + depth of channel</td>
</tr>
<tr>
<td>Edge of Lined Canals</td>
<td>10 + depth of channel</td>
</tr>
<tr>
<td>Public Lakes</td>
<td>50 (a)</td>
</tr>
</tbody>
</table>
Notes to Table 6:

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

Solid Waste Plan

A. The Catron County Ordinance 003-96 SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE OF CATRON COUNTY, NEW MEXICO shall be followed in developing a solid waste plan.

Road Development and Design Plan

($) 47-6-19 NMSA 1978)

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

(1) the proposed use of the subdivision;

(2) the period of time before the roads will receive substantial use;

(3) the period of time before construction of homes will commence on the portion of the subdivision serviced by the road;

(4) the county regulations governing phased development; and,

(5) the needs of prospective purchasers, lessees, and other persons acquiring an interest in subdivided land in viewing the land within the subdivision.

B. All proposed roads shall comply to minimum county road standards.

C. The Board of County Commissioners shall not approve the grading or construction of roads unless and until the subdivider can reasonably demonstrate that the roads to be constructed will receive use and that the roads are required to provide access the parcels or improvements within twenty-four (24) months from the date of construction of the road.

D. 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.
Terrain Management Plan

A. Any person seeking approval of a subdivision plat must submit a terrain management plan. No subdivision plat shall be approved unless the terrain management plan has been approved by the Commission. The Commission may approve a terrain management plan if it determines that the plan conforms to the requirements of the New Mexico Subdivision Act and the Catron County Subdivision Regulations.

B. Open Space – The Commission after giving due consideration to the population density in the area may require a subdivider preserve or dedicate a portion of the subdivision for parks, recreation areas or other open space uses.

C. Terrain management plans for type-four subdivision shall contain:

(1) Maps with the following information:

(a) a vicinity map drawn to a scale approved at the pre-application meeting showing 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 miles of the subdivision.

(b) a subdivision map drawn to a scale approved at the pre-application meeting.

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

(d) contours at approved intervals.

(e) an overlay showing the location of all proposed lots, roads, bridges, water, and erosion control structures, and utility easement in relation to the existing contours;

(f) a overlay showing the finished contours of the subdivision after the subdivider’s proposals have been implemented using contour intervals equal to or less than those on the existing contour map;

(g) the location of all cuts and fills;

(h) the location of all drainage channels, watercourses, water bodies, floodways, flood fringes, and floodplains;

(i) the location of all areas with major rock outcroppings, slopes over 8% and wooded areas;
(j) the location of all areas which the subdivided intends to revegetate; and,

(k) the location of all areas in which the subdivider intends to preserve vegetation;

(l) design and construction of erosion control structures; revegetation, and stabilization plans shall comply with the District’s standards and specifications for such measures.

(2) A soil survey if available from the Soil Conservation Service 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 or a discussion of the soil types and their suitability for the proposed use.

(3) A surface drainage proposal will be required by the Commission including;

(a) storm drainage computation showing the estimated runoff from the subdivision prior to and following completion of development;

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

(c) all appropriate design details necessary to clearly explain the construction of all necessary water control structures.

(4) A subsurface drainage description including:

(a) an overlay drawn to the scale of the subdivision map locating areas where the seasonal high water table is:

(1) within twelve (12) feet of ground water;

(2) 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 plan setting forth the means of stabilizing all cuts and fill 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/revegetation date for disturbed areas;
(d) installation date of storm drainage systems;
(e) installation date for all roads;
(f) surfacing and or paving date of roads and parking areas;
(g) installation date of recreation structures and other community improvements;
(h) installation date of recreation structures and other community improvements;

(8) The legal description of the subdivision including the range, township, and section within which the subdivision is located; and,

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

**Cultural Properties Plan**

**A. Unmarked Human Burials**

(1) 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.

(2) All subdividers shall comply with the requirements of 18-6-11.2 NMSA 1978, which prohibits the knowing, willful, and intentional excavation, removal, disturbance, or 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 Office.

**B. 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,

(1) 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 the effect in the application package for subdivision approval; or,

(2) 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 subdivider will then consult with the Historic Preservation Division pursuant to the Cultural Properties Act 18-6-1 through 18-6-17 NMSA 1978.

Information Reports

(§ 47-6-21 NMSA 1978)

In determining whether the subdivider can fulfill the requirements of the subdivision and the proposals contained in his disclosure statement the appropriate public agency may request, through the Board of County Commissioners, that the subdivider submit such information as the agency may feel necessary to permit it to make that determination.

Public Agencies Required to Provide Counties With Information

(§ 47-6-20 NMSA 1978)

A. Any public agency receiving a request from the Board of County Commissioners for an opinion pursuant to Section 47-6-11 NMSA 1978 shall furnish the board with the requested opinion within the time period set forth in Subsection A of Section 47-6-22 NMSA 1978. The Board of County Commissioners shall furnish the appropriate public agency with all relevant information that the board has received from the subdivider on the subject for which the board is seeking an opinion. If the public agency does not have sufficient information upon which to base an opinion, the public agency shall notify the board of this fact.

B. All opinion requests mailed by the Board of County Commissioners shall be by certified mail “return receipt requested” Boards of County Commissioners delivering opinion requests shall obtain receipts showing the day the opinion request was received by the particular public agency.

Public Hearings on Preliminary Plats

(§ 47-6-14 NMSA 1978)

The Board of County Commissioners shall adhere to the following requirements concerning public hearings on preliminary plats.

A. Notice of the hearing shall be given at least twenty-one (21) days prior to the hearing date and shall state:
(1) the subject of the hearing;
(2) the time and place of the hearing;
(3) the manner for interested persons to present their views; and,
(4) the place and manner for interested persons to secure copies of any favorable or adverse opinion and of the subdivider’s proposal. The Board of County Commissioners may impose a reasonable charge for the costs of reproducing and mailing the opinions and proposals.

B. The notice shall be published in a newspaper of general circulation in the County.

C. Reasonable effort shall be made to give notice to all persons who have made a written request to the Board of County Commissioners for advance notice of its hearings. Notice shall also be given to any public agency that issued an opinion or withheld an opinion on the basis of insufficient information.

D. Public hearings on preliminary plats shall be held within thirty (30) days from the receipt of all requested public agency opinions where all such opinions are favorable, or within thirty (30) days from the receipt of all requests public agency opinions where all such opinions are favorable, or within thirty (30) days from the date all public agencies complete their review of any additional information submitted by the subdivider pursuant to Section 47-6-11 NMSA 1978. If the Board of County Commissioners does not receive a requested opinion within the thirty-day (30) period, the board shall proceed.

E. At the hearing, the Board of County Commissioners shall allow all interested persons a reasonable opportunity to submit data, views, or arguments, orally in writing, and to examine witnesses testifying at the hearing.

F. The Board of County Commissioners shall approve, approve with conditions, or disapprove the preliminary plat within thirty (30) days of the public hearing at a public meeting of the Board of County Commissioners.

Expiration of Preliminary Plat

(§ 47-6-11.1 NMSA 1978)

A. An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval, or after any additional period of time as may be prescribed by county regulations, not to exceed an additional twelve (12) months. However, if the subdivider proposes to file multiple final plats as provided for under county regulations governing phased development, each filing of a final plat shall extend the expiration of the approved or
conditionally approved preliminary plat for an additional thirty-six (36) months from the date of its expiration or the date of the previously filed final plat, whichever is later. The number of phased final plats shall be determined by the Board of County Commissioners at the time of the approval or conditional approval of the preliminary plat.

B. Prior to the expiration of the approved or conditionally approved preliminary plat, the subdivider may submit an application for extension of the preliminary plat for a period of time not exceeding a total of three years. The period of time specified in this subsection shall be in addition to the period of time provided in Subsection A of this section.

C. 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.

Final Plat: Description

(§ 47-6-3 NMSA 1978)

A. Any person desiring to subdivide land shall have a final plat of the proposed subdivision certified by a surveyor registered in New Mexico. The final plat shall:

(1) define the subdivision and all roads by reference to permanent monuments;

(2) accurately describe legal access to, roads to and utility easements for each parcel, and if the access or easements are based upon an agreement, the recording data in the land records for the agreement;

(3) number each parcel in progression, give its dimensions and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting or adjacent to the land; and,

(4) delineate those portions of the subdivision that are located in a flood plain.

B. Descriptions of parcels by number and plat designation are valid in conveyances and valid for the purpose of taxation.

Final Plat Acknowledgment; Affidavit

(§ 47-6-4 NMSA 1978)

Every 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 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 subdivision lies within the subdivision regulation jurisdiction of the County. A copy of the final plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease, or other conveyance.

**Water Permit Required for Final Plat Approval**

(§ 47-6-11.2 NMSA 1978)

On or after July 1, 1997, before approving the final plat for a subdivision containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, the Board of County Commissioners may require that the subdivider provide a copy of a permit obtained from the State Engineer, issued pursuant to Section 72-5-1, 72-5-23, or 72-5-24 NMSA 1978, or if the subdivision is located within a declared underground water basin, provide a copy of a permit obtained from the State Engineer issued pursuant to those sections, or to Section 72-12-3, or 72-12-7 NMSA 1978, for the subdivision water use. In acting on the permit application, the State Engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. The Board of County Commissioners may elect not to approve the final plat if the State Engineer has not issued a permit for the subdivision water use.

**Schedule of Compliance**

(§ 47-6-24 NMSA 1978)

In approving final subdivision plats, the Board of County Commissioners may require the subdivider to set forth a schedule of compliance with county subdivision regulations that is acceptable to the Board of County Commissioners.

**Dedication for Public Use; Maintenance**

(§ 47-6-5 NMSA 1978)

The final plat shall contain a certificate stating that the Board of County Commissioners 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 or dedications. Upon full conformance with the county road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the Office of the County Clerk or a resolution of acceptance by the Board of County Commissioners is filed in such office.
Approval of Final Plats

(§ 47-6-1.3 NMSA 1978)

A. After the approval or conditional approval of a preliminary plat and prior to the expiration of such plat, the subdivider may prepare a final plat in accordance with the approved or conditionally approved preliminary plat.

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

C. If, at the time of approval of the final plat, any public improvements have not been completed by the subdivider as required by the Board of County Commissioners pursuant to the New Mexico Subdivision Act or county subdivision regulations, the Board of County Commissioners shall, as a condition precedent to the approval of the final plat, require the subdivider to enter into an agreement with the County upon mutually agreeable terms to thereafter complete the improvements at the subdivider’s expense.

Filing With County Clerk; Duties of County Clerk

(§ 47-6-6 NMSA 1978)

The County Clerk shall not accept for filing any final plat subject to the New Mexico Subdivision Act and the County Commission that has not been approved as provided in the New Mexico Subdivision Act and these regulating. Whenever separate documents are to be recorded concurrently with the final plat, the County Clerk shall cross-reference such documents. Preliminary plats shall not be filed with the County Clerk.

Requirements Prior to Sale, Lease or Other Conveyance

(§ 47-6-8 NMSA 1978)

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

A. the final plat has been approved by the Board of County Commissioners and has been filed with the Clerk of the County in which the subdivision is located. Where a subdivision lies within more than one county, the final plat shall be approved by the Board of County Commissioners of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located;
B. the subdivider has furnished the Board of County Commissioners a sample copy of his sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land; and,

C. all corners of all parcels and blocks within a subdivision have been permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

**Time Limit on Administrative Action**

(§ 47-6-22 NMSA 1978)

A. 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 from the Board of County Commissioners does not receive a requested opinion within the thirty-day (30) period, the board shall proceed in accordance with its own best judgment concerning the subject of the opinion request. 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 were acceptable or unacceptable or adequate or inadequate.

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

C. 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, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate stating that the final plat has been approved.
Final Plat Review for Subdivision Types 1, 2, 3*, 4

1. BCC= Board of County Commissioners
2. Some Type 3 Subdivisions qualify for summary review.

MRGCOC
1/96
Right of Inspection; Rescission

(§ 47-6-23 NMSA 1978)

If the purchaser, lessee or other person acquiring an interest in the subdivided land has not inspected his parcel prior to the time of purchase, subdivided land has not inspected his parcel prior to the time of purchase, lease or other conveyance, the purchase, lease, or other conveyance agreement shall contain a provision giving the purchaser, lessee, or other person acquiring an interest in the subdivided land six (6) months within which to personally inspect his parcel. After making the personal inspection within the six-month period, the purchaser, lessee, or other person acquiring an interest in the subdivided land has the right to rescind the purchase, lease, or other conveyance agreement and receive a refund of all funds paid on the transaction to the seller, lessor, or other conveyor of subdivided land when merchantable title is revested in the seller, lessor, or other conveyor of subdivided land. Notice of such rescission to the seller, lessor, or other conveyor of subdivided land shall be made in writing and shall be given within three (3) days of the date of personal inspection.

Disclosure Statement Form for Type-Four Subdivision

DISCLOSURE STATEMENT

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

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

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

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

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

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

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

Building permits, wastewater permits, or other use permits must be issued by state officials before improvements are constructed. You should investigate the availability of such permits before your 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**

<table>
<thead>
<tr>
<th>Present</th>
<th>Anticipated</th>
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</thead>
<tbody>
<tr>
<td>(number of parcels)</td>
<td>(number of parcels)</td>
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</tbody>
</table>
5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE, OR CONVEYANCE WITHIN THE SUBDIVISION

(size of largest parcel in area)

------------------------------------------------------------------------------------------------------------

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

(size of smallest parcel in acres)

------------------------------------------------------------------------------------------------------------

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

($ = lowest amount) (size of parcel sold, leased, or conveyed)

($ = highest amount) (size of parcel sold, leased, or conveyed)

------------------------------------------------------------------------------------------------------------

8. FINANCING TERMS

(interest rate)

(term of loan or contract)

(minimum down payment)

(service charges and/or escrow fees)

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

(closing costs)
(any other information required by the Truth in Lending Act and Regulations if not set forth above)

-------------------------------------------------------------------------------------------------------------------------------------

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

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

-------------------------------------------------------------------------------------------------------------------------------------

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

-------------------------------------------------------------------------------------------------------------------------------------

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

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

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

-------------------------------------------------------------------------------------------------------------------------------------

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

-------------------------------------------------------------------------------------------------------------------------------------

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

11. CONDITION OF TITLE

Include at least the following information where applicable

(number of mortgages)

-------------------------------------------------------------------------------------------------------------------------------------

(name and address of each mortgagee)

-------------------------------------------------------------------------------------------------------------------------------------

((balance owing on each mortgage)

-------------------------------------------------------------------------------------------------------------------------------------

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

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

(balance owing on each real estate contract)

(summary of default provisions of each real estate contract)

(summary of release provisions of each real estate contract)

(statement of any other encumbrances on the land)

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

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

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

13. **ESCROW AGENT**

(name of escrow agent)

(address)

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

(name of entity providing electricity, if available) (estimated cost per parcel)
-----------------------------------------------------------------------------------------------

(name of entity providing gas services, if available) (estimated cost)
-----------------------------------------------------------------------------------------------

(name of entity providing water, 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 start here)
-----------------------------------------------------------------------------------------------

(if utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel)
-----------------------------------------------------------------------------------------------
(state whether each utility will be above ground or underground)

<table>
<thead>
<tr>
<th>Utility</th>
<th>Above ground</th>
<th>Underground</th>
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<tbody>
<tr>
<td>Electricity</td>
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<td>Gas</td>
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<td>Telephone</td>
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<td>Liquid waste disposal</td>
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<tr>
<td>Solid waste disposal</td>
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</tr>
</tbody>
</table>

17. **WATER AVAILABILITY**

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

(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)

(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)

27. **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)

28. **FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WALLS 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)

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

(recommended total depth of well)

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

29. **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.
31. **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)

32. **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)

33. **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 NEW MEXICO ENVIRONMENT DEPARTMENT.

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 New Mexico Environment Department’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)

35. TERRAIN MANAGEMENT

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

(District’s soil survey for Catron County, if any)

(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)
36. **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)

(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. **NEW MEXICO DEPARTMENT OF TRANSPORTATION’S OPINION ON ACCESS**

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Department of Transportation 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)

36. **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.**
37. 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 subdivision 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 a distance to nearest public high school serving the subdivision)

43. 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)

END OF DISCLOSURE STATEMENT
ARTICLE 9  CERTAIN TYPE THREE AND TYPE FIVE SUBDIVISIONS

Definition

A. If a type-three subdivision contains five (5) or fewer 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 zoning ordinances as an area subject to unique circumstances or conditions that require additional review:

(1) if the smallest parcel is not less than three (3) acres in size, the Board of County Commissioners shall use the same summary procedure for reviewing the subdivision as the board uses for reviewing type-five subdivisions; or,

(2) if the smallest parcel is not less than three (3) acres in size, the Board of County Commissioners shall use the same summary procedure for reviewing the subdivision as the board uses for reviewing type-five subdivisions; or,

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

Summary Review Pre-Application Procedure

A. Previous to the filing of an application for approval of a final plat, the subdivider shall confer with the reviewing staff and/or County personnel to become acquainted with these Land Subdivision Regulations. At this application conference the subdivider shall be advised of the following:

(1) Submittals required by these regulations in the filing of an application for approval of final plat.

(2) Individuals and/or agencies that may review the required submittals, if any.

(3) The required improvements.

B. The subdivider shall bring a sketch plan to the pre-application conference, as well as a draft of a disclosure statement, as required by the New Mexico Subdivision Act and these regulations. After conferring with the subdivider and reviewing the sketch plan and draft disclosure statement, the reviewing staff and/or County personnel shall determine the type of subdivision proposed, as defined in the New Mexico Subdivision Act, and shall further inform the subdivider concerning the feasibility of the proposed subdivision pursuant to the New Mexico Subdivision Act and these regulations. The subdivider may then elect to proceed with the complete final plat application or may revise his subdivision plans and schedule a second pre-application conference.
Summary Review Procedure

A. Application: A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these regulations. The final plat shall be suitable for filing with the County Clerk. Final plat shall be suitable for filing with the County Clerk. Final plat submittal is initiated by completing an application on a prescribed form obtainable from the County Manager. No Preliminary Plat or Preliminary Plat Procedure will be required for Summary Review.

B. Final Plat: On receipt of the application, fees, final plat, and supporting documentation, the County Manager shall review all materials in order to determine if the final plat is ready to begin the review process. 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, the subdivider shall be notified and given a maximum time period of thirty (30) days to correct the deficiencies and return the final plat for consideration.

C. Public Meeting: Final plats submitted to the County for approval shall be approved or disapproved by the County Commission at a public meeting within thirty (30) days of the date the final plat is deemed complete.

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

E. Prior to approving the final plat of a summary review subdivision the Board of County Commissioners of the county in which the subdivision is located shall:

   (1) determine whether the subdivider can fulfill the proposals contained in his disclosure statement required by Section 47-6-17 NMSA 1978; and,

   (2) determine whether the subdivision conforms with the New Mexico Subdivision Act and the County’s subdivision regulations.

F. The Board of County Commissioners shall not approve the final plat of any summary review subdivision if the subdivider cannot reasonably demonstrate that he can fulfill the requirements of Subsection E of this section.

G. Any subdivider submitting a plat of a summary review subdivision shall submit sufficient information to the Board of County Commissioners to permit the board
to determine whether the subdivider can fulfill the requirements of subsection F of this section.

H. Failure to Act: If the County 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 the County’s failure to act. If the Board of County Commissioners fails to approve or reject the final plat within thirty (30) days after such notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the final plat has been approved.

Summary Review Data Requirements

A. 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 approved at the pre application conference on sheets no larger than twenty-four by thirty-six (24 x 36) inches. The subdivider shall also submit five (5) copies of the final plat map and accompanying information.

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

   (1) title, scale, north arrow, and date;

   (2) name and mailing address of subdivider and designated agent, if any;

   (3) names of owners of land to be subdivided and of contiguous property;

   (4) subdivision boundary lines, easement, and right-or-way lines, and property lines of all lots, with accurate dimensions, and ties to monuments;

   (5) acreage measurements and identification numbers for each lot;

   (6) location, dimensions, and purpose of all easements;

   (7) delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;

   (8) the certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey; and,

   (9) legal description indicating the range, township, and section within which the subdivision is located.

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

D. 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. 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 final plat shall not be effective until the final plat is filed in the office of the County Clerk or a resolution of acceptance by the Board of County Commissioners is filed in that office.

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

Water Availability Assessment (Summary Review Procedure)

Water Availability Assessment for Summary Review Procedure.

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

(1) Name of the utility proposed as the source of supply.

(2) Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision.

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

(1) at least one well log form an on site well or from an existing nearby well completed in geologic conditions representative of the condition within the proposed subdivision;
(2) a description of the water bearing formation including a statement of the maximum and minimum depths to water in the subdivision and the basis for these statements;

(3) a statement of the estimated yield of the wells on gallons per minute based upon well logs from existing nearby wells;

(4) any additional information which is required by the Board of County Commissioners that will enable it to determine whether or not the subdivider can fulfill the proposal contained in his disclosure statement.

C. If the subdivider proposes to provide new wells for a community water system the following shall apply:

(1) at least one well log from an on site well or from an existing nearby well completed in geologic conditions representative of the condition within the proposed subdivision;

(2) a description of the water bearing formation including a statement of the maximum and minimum depths to water in the subdivision and the basis for these statements;

(3) a statement of the estimated yield of the wells on gallons per minute based upon well logs from existing nearby wells;

(4) any additional information which is required by the Board of County Commissioners that will enable it to determine whether or not the subdivider can fulfill the proposal contained in his disclosure statement.

D. If the subdivider proposes to provide surface diversion for a community water system the following shall apply:

(1) The hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the subdivision is physically available. These analyses shall include the following:

(a) Narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to groundwater diversion analyses of relevant historical runoff records, and projected water supply available for the subdivision requirements. Applicable legal or water rights constraints on water availability shall be considered.

(b) If the analysis of the historical runoff record indicates possible shortages in the projected water supply available for the subdivision
requirements the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.

(c) If a supplemental groundwater supply is proposed, the subdivider shall prepare a geohydrologic assessment for new community wells.
**Final Plat Summary Review for Subdivision Types 3*, 5**

1. **Pre-Application Conference**
2. **Subdivider Submits Plat And Supporting Documentation**
   - Max 30 days
3. **Summary Review Procedure As Adopted By BCC**
4. **Plat Deemed Complete by BCC**
5. **BCC May Delegate Authority To Approve Plats Under Summary Review**
   - Max 30 days
6. **Public Meeting**
   - Max 30 days
7. **Final Plat Approved Or Disapproved**
   - Max 30 days
   - Max 30 days
8. **Agreement to Complete Improvements If Necessary**
9. **Approved Plat Filed with County Clerk**
   - 47-6-8
10. **Subdivider Submits Written Notice to County Of Failure to Act**
11. **Begin Appeal Process**
   - 47-6-15
12. **Final Plat Approved Of disapproved**
13. **Final Plat Approved on Demand by Subdivider**
14. **No Action Taken**
   - 47-6-22C

**Note:**
1. BCC= Board of County Commissioners
2. Type 3 summary review:
   a. 2 to 5 parcel subdivision
   b. If smallest parcel less than 3 acres, summary review is optional.

**MRGCOG**
1/96
Disclosure Statement Form For Summary Review Subdivision

DISCLOSURE STATEMENT

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 other-wise 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 action 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, lean, or other instrument conveying an interest in a parcel in the subdivision be recorded with the Catron County Clerk.

Building permits, wastewater permits, or other use permits must be issued by state 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)

2. 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 provision 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 CONDIIONS AFFECTING ITS USE OR OCCUPANCY**

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

5. **UTILITIES**

<table>
<thead>
<tr>
<th>Name of Entity Providing Utility</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
<td></td>
</tr>
<tr>
<td>Gas</td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
</tr>
<tr>
<td>Liquid Waste Disposal</td>
<td></td>
</tr>
<tr>
<td>Solid Waste Disposal</td>
<td></td>
</tr>
</tbody>
</table>

6. **INSTALLATION OF UTILITIES**

<table>
<thead>
<tr>
<th>Utility</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
<td></td>
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<tr>
<td>Gas</td>
<td></td>
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<tr>
<td>Water</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
</tr>
<tr>
<td>Liquid Waste Disposal</td>
<td></td>
</tr>
</tbody>
</table>

Revised: May 6, 1998
7. **UTILITY LOCATION**

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

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

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

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

8. **WATER AVAILABILITY**

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

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

(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 usages)

(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 the 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**

(designate the specific type of liquid waste disposal system that is proposed and that has been approved by the New Mexico Environment Department 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 NEW MEXICO ENVIRONMENT DEPARTMENT.

12. **SOLID WASTE DISPOSAL**

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

13. **TERRAIN MANAGEMENT**

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

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

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

(identify by lot and block number all parcels within the subdivision located in whole or in part of slopes in excess of 8%)
(describe that surface drainage for all lots in the subdivision)

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

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

14. **SUBDIVISION ACCESS**

(name of town nearest to subdivision)

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

(describe access roads to subdivision)

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

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

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

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

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

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

---------------------------------------------------------------------------------------------------------------------------

16. **Construction Guarantees (if applicable)**

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

---------------------------------------------------------------------------------------------------------------------------

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

---------------------------------------------------------------------------------------------------------------------------

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

17. **ADVERSE OR UNUSAL 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.
(sheriffs department, if applicable)
___________________________________________________________________________________

(municipal police, if applicable)
___________________________________________________________________________________

(state police, if applicable)
___________________________________________________________________________________

20. **PUBLIC SCHOOLS**

(number 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)
___________________________________________________________________________________

**END OF DISCLOSURE STATEMENT**
ARTICLE 10  SEVERABILITY

The provisions of these regulations are severable, and if any provision, sentence clause, section, or part hereof is held illegal, invalid, or 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 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 has not been included herein, and if the person or circumstances to which these regulations or any part thereof are inapplicable has been specifically exempted therefrom.

ARTICLE 11  REPEAL AND EFFECTIVE DATE

These regulations repeal the Catron County Land Subdivision Regulations Governing the Subdivision of Land, passed on June 2, 1997, and all previous subdivisions regulations of Catron County. These regulations shall become effective on the sixth day of May, 1998, not less than thirty days after their passage on the sixth day of April, 1998 and their recording is the records of the Catron County Clerk.