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ST. OF NEW MEXICO } SS
COUNTY OF QUAY }

I hereby certify that this instrument was filed for record at 5:00 o'clock P M. on AUG - 9 2004 and was duly recorded in book Misc 108 page 499-564 of the records of said county.

County Clerk

By: _____ Deputy

Ordinance No. 35

ARTICLE 1. GENERAL PROVISIONS

Section 1.1. Title

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

Section 1.2. Authority

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

Section 1.3. Purpose

These Regulations are adopted for the following purposes:

1. To provide for and protect the public health, safety, and general welfare of the County;
2. To guide the future growth and development of the County in accordance with any official plans adopted by the County.
3. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;
4. To protect and conserve the value of land throughout the county and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
5. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements appropriate to the various uses of land and buildings; and to provide for the proper location and width of streets;
6. To establish reasonable standards of design and procedures for subdivisions and resubdivision in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land; and
7. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.

Section 1.4. Jurisdiction

These Regulations shall govern all subdivision of land not within the boundaries of municipalities but within the County. The County and a municipality shall exercise concurrent jurisdiction over the territory within the platting jurisdiction of both the County and the municipality, as provided in §§3.20.5 and 3.20.9 NMSA 1978.9 NMSA 1978.

Section 1.5. Written Decisions

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

Section 1.6. Interpretation

COUNTY CLERK SEAL QUAY COUNTY NEW MEXICO

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

ARTICLE 2. DEFINITION OF SUBDIVISION & SUBDIVISION REFERENCES

A. Subdivision references

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

County — County of Quay

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

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

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

immediate family member — Husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by natural birth or adoption

lease — To lease or offer to lease land

parcel — Unit of land capable of being described by location and boundaries and not dedicated for public or common use

person — Any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity

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

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

sell — To sell or offer to sell land

subdivide — To divide a surface area of land into a subdivision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Types of Subdivisions

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

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

B. All other general definitions are found in Appendix A

ARTICLE 3. PRE-APPLICATION PROCESS

Section 3.1. Pre-Application Procedure

3.1.1. Conference, optional. For the purpose of expediting applications and reducing subdivision design and development costs, a subdivider may request an informal pre-application conference in accordance with the requirements provided in these Regulations. The pre-application conference is intended to provide general advice to the subdivider about the procedures and data requirements for subdivision review and approval in the County.

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

3.1.3. Scheduling. At the request of the subdivider, the County Manager shall schedule a pre-application conference in order for the subdivider to meet with appropriate County representatives and to become acquainted with the necessary requirements for subdivision review and approval.

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

3.1.5. Statements non-binding. Any statements made during the pre-application conference shall bind neither the subdivider nor the County.

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

Section 3.2. Pre-Application Data Requirements

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

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

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

ARTICLE 4. PRELIMINARY PLAT REVIEW PROCESS

Section 4.1. Preliminary Plat Submittal

4.1.1. Preliminary plat required. Preliminary plats shall be submitted for Type One, Type Two, Type Three, and Type Four subdivisions. Certain Type Three and all Type Five subdivisions are subject to review under the summary procedure set forth in Article Six of these Regulations.

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

4.1.3. Plat deemed complete. On receipt of the application, fees, preliminary plat, and supporting documentation, the County Manager shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat is deemed complete for review by written notice to the subdivider within thirty (30) days after the date of application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided in these Regulations, the subdivider shall be notified to correct the deficiencies and return the preliminary plat for consideration.

Section 4.2. Agency Review

4.2.1. Plat transmittals. Within ten (10) days after the date that the preliminary plat is deemed complete, the County Manager shall forward a copy of the preliminary plat and supporting documentation to the following state and local agencies by certified mail "return receipt requested" with a request for review and opinions:

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

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

4.2.3. Hearing deadlines. If the opinions received from all agencies are favorable, the County shall schedule a public hearing for consideration and action on the preliminary plat within thirty (30) days

following the receipt of all such favorable opinions. If the County does not receive a requested opinion within the specified thirty (30) days, it shall proceed with the required public hearing.

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

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

Section 4.3. Public Hearings on Preliminary Plats

4.3.1. Scheduling. The County shall conduct a public hearing within the time periods specified in these Regulations. Notice of the public hearing shall be given at least twenty-one (21) days before the hearing date.

4.3.2. Notice. The notice of public hearing shall be published in a newspaper of general circulation in the County and shall contain the following information:

a. subject of the hearing;
b. time and place of the hearing;
c. manner for interested persons to present their views; and
d. place and manner for interested persons to get copies of any favorable or adverse opinion and of the subdivider's proposal.

4.3.3. Notification. Copies of the notice of public hearing shall be transmitted to the following:

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

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

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

Section 4.4. Expiration of Preliminary Plat

4.4.1. Expiration. An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Upon request by the subdivider, an additional period of

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no more than twelve (12) months may be added to the expiration date by the Board of County Commissioners.

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

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

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

Section 4.5. Preliminary Plat Data Requirements

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

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

4.5.2. Minimum documentation. Supporting documentation shall, at a minimum, include:

a. water supply plan including conservation, water quality, and fire protection components;
b. liquid waste disposal plan;
c. solid waste disposal plan;
d. accessibility of site to roads and utilities;
e. terrain management plan; and
f. cultural properties protection.

4.5.3. Filing specifications. The subdivider shall submit ten (10) copies of the preliminary plat and supporting documentation for local review and distribution to public agencies. Preliminary plat maps shall be prepared at a scale of two hundred (200) feet to one (1) inch or larger, and printed on sheets no larger than eighteen by twenty-four (18 x 24) inches. Sheets shall be numbered in sequence if more than one sheet is used.

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

a. title, scale, north arrow, and date;
b. existing topography and any regrading plans, indicating contour intervals sufficient for planning purposes;

c. existing and proposed boundary lines, in bearings and distances, for the subdivision;
d. proposed lot lines, with lot and block numbers, and approximate acreage of each lot;
e. the location, dimensions, and purpose of existing and proposed easements;
f. names and right-of-way widths of existing and proposed streets on and adjacent to the subdivision;
g. existing and proposed utilities on and adjacent to the site;
h. locations, dimensions, and purpose of any land to be dedicated to the public use, including any improvements to be made to that land;
i. location of subdivision in relation to well-known landmarks;
j. location of archaeological, historical, or culturally significant features on the site;
k. delineation, if applicable, of any 100-year flood plain as designated by the Federal Emergency Management Agency;
l. names and addresses of the owner or owners of land to be subdivided, the subdivider if other than the owner, and the land surveyor; and
m. legal description indicating the range, township, and section within which the subdivision is located.

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

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

ARTICLE 5. FINAL PLAT REVIEW PROCESS

Section 5.1. Final Plat Submittal

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

5.1.2. Application/fees. A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these Regulations. Final plat submittal is initiated by completing an application on the prescribed form available from the County Manager, and upon payment of the required administrative fees.

5.1.3. Plat deemed complete. A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these Regulations. Final plat submittal is initiated by completing an application on the prescribed form available from the County Manager, who shall review all materials in order to determine whether the final plat is complete. If there are no deficiencies, the final plat will be deemed complete for review by written notice to the subdivider within thirty (30) days of the date of application. If the final plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be notified to correct the deficiencies and return the final plat for consideration.

Section 5.2. Decision on Final Plat

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

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

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

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

Section 5.3. Final Plat Data Requirements

5.3.1. Filing specifications. The original drawing of the final plat shall be submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Final plat maps shall be drawn at a scale of two hundred (200) feet to one (1) inch or larger and printed on sheets no larger than eighteen by twenty-four (18 x24) inches. When more than one sheet is used to include the entire subdivision, all sheets shall be cut to the same size and shall show appropriate references to other sheets of the subdivision. The subdivider shall also submit two paper copies of the final plat map and accompanying information.

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

l. legal description indicating the range, township, and section within which the subdivision is located: and

m. Rural address of each lot as issued by the Office of the Quay County Clerk.

5.3.3. Affidavit. The final plat shall contain a statement that the land being subdivided is subdivided in accordance with the final plat. The final plat shall be acknowledged by the owner and subdivider or their authorized agents in the manner required for the acknowledgment of deeds. Every final plat submitted to the County Clerk shall be accompanied by an affidavit of the owner and subdivider, or authorized agents, stating whether the proposed subdivision lies within the subdivision regulation jurisdiction of the County. A copy of the final plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land before sale, lease, or other conveyance.

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

5.3.5 Disclosure statement. For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix C of these Regulations. It is unlawful to sell, lease, or otherwise convey land in a subdivision until the required disclosure statement has been filed with the Quay County Clerk, the Board of County Commissioners, and the New Mexico Attorney General's Office; and

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

5.3.5. Conformity. The Board of County Commissioners shall not approve the plat of any subdivision if the subdivider cannot reasonably demonstrate that he can fulfill the proposals contained in his disclosure statement or if the subdivider has not conformed with the New Mexico Subdivision Act and the Quay County subdivision ordinance.

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

5.3.7. Environment Department approval. For any subdivision requiring construction of a public water supply system or a community liquid waste system, documentation of approval from the New Mexico Environment Department shall be required for final plat approval.

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

Section 5.4. Advertising Standards

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

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

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

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

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

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

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

5.5.3. Permanent marks. All corners of all parcels and blocks within a subdivision shall be permanently marked with metal stakes in the ground and a reference stake shall be placed beside one corner of each parcel.

Section 5.6. Recording Parcels

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

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

5.6.3. Requirement. Any person who sells, leases for an initial term plus option terms in excess of five (5) years, or otherwise conveys any interest in any parcel located in whole or in part in the County shall record the deed, lease, real estate contract, notice of lease, notice of real estate contract, or other document of conveyance with the Quay County Clerk no later than five (5) days after the closing or thirty (30) days after the date on which the document is signed, whichever comes first.

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

5.6.5. Plat attachment. The deed, lease, real estate contract, notice of lease, notice of real estate contract, or other document of conveyance shall have a survey plat and a legal description of the parcel attached to it. The survey plat shall show the surveyor's seal, the boundaries of the parcel, the means of access to the parcel, and any easements to which the parcel is subject.

ARTICLE 6. SUMMARY REVIEW PROCESS

Section 6.1. Summary Review Procedure

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

a. Type Three subdivisions containing five (5) or fewer parcels of land, unless the land within a subdivision has been previously identified in the County Comprehensive Plan or County Zoning Ordinance as an area subject to unique circumstances or conditions that require additional review; and

b. all Type Five subdivisions.

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

6.1.3. Application/fees. A subdivider shall prepare a summary review plat and supporting documentation in accordance with the requirements provided in these Regulations. The summary review plat shall be considered as a final plat suitable for filing with the County Clerk. Summary review plat submittal is initiated by completing an application on the prescribed form obtainable from the County Manager, and upon payment of the required administrative fees.

6.1.4. Plat deemed complete. On receipt of the application, fees, summary review plat, and supporting documentation, the County Manager shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the summary review plat will be deemed complete for review by written notice to the subdivider within thirty (30) days of the date of application. If the summary review plat is incomplete or does not comply with the submittal requirements, the subdivider shall be notified to correct the deficiencies and return the summary review plat for consideration.

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

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

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

Section 6.2. Summary Review Data Requirements

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

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

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

6.2.3. Affidavit. The summary review plat shall contain a statement that the land being subdivided will be subdivided in accordance with the summary review plat. The summary review plat shall be acknowledged by the owner and subdivider, or authorized agents, in the manner required for the

acknowledgment of deeds. Every summary review plat submitted to the County Clerk as a final plat shall be accompanied by an affidavit of the owner and subdivider, or authorized agents, stating whether the proposed subdivision lies within the subdivision jurisdiction of the County. A copy of the summary review plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease or other conveyance.

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

6.2.5. Disclosure statement. For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix C of these Regulations. It is unlawful to sell, lease or otherwise convey land in a subdivision until the required disclosure statement has been filed with the Quay County Clerk, the Board of County Commissioners, and the Attorney General's Office; and until the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.

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

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

ARTICLE 7. SPECIAL PROCEDURES

Section 7.1. Succeeding Subdivisions

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

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

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

Section 7.2. Resubdivision

7.2.1. Definition. Resubdivision shall include any change to a lot line, right-of-way line, or utility easement, unless the change is the result of a vacation of plats or a variance granted by action of the Board of County Commissioners.

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

Section 7.3. Vacation of Plats

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

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

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

7.3.3. Scheduling and notification. Within sixty (60) days of the date of receipt of the request for vacation, the Board of County Commissioners shall approve or deny the vacation, subject to the following:

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

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

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

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

Section 7.4. Variances

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

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

a. substantially secure the objectives of the standards of these Regulations; and

b. not adversely affect the health, safety, and general welfare of the public, if otherwise consistent with the general purpose and intent of these Regulations and if not injurious or detrimental to the surrounding area.

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

a. Requests for variances shall be submitted in writing prior to or at the time of request for preliminary plat approval on the prescribed form available from the County Manager for that purpose, and upon payment of the required administrative fee.

b. Variance 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.

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

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

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

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

Section 7.5. Exemptions

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

7.5.2. Verification of Exemption.

a. Any person claiming entitlement to an exemption under the provisions of these Regulations shall file a written claim of exemption on the prescribed form available from the County Manager before making the land division for which the claim of exemption is made.

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

c. If the claim of exemption is approved, or if the County Manager fails to mail written notice to the claimant within Thirty (30) days of receipt of the completed Claim of Exemption and all supporting documents, the person claiming the exemption may divide the land in the manner proposed in the claim of exemption without complying with the provisions of these Regulations.

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

7.6.1. Unmarked Human Burials

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

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

7.6.2. Registered Cultural Properties. Any person desiring to subdivide land in the County shall comply with the Cultural Properties Act §§ 18-6-1 through 18-6-17 NMSA 1978.

ARTICLE 8. REQUIRED PLANS & IMPROVEMENTS

Section 8.1. Construction of Required Improvements

8.1.1. Improvement requirements. The subdivider shall install and construct such improvements, if any, as are required by these Regulations in the manner and to the design standards provided in these Regulations. Approval of the preliminary plat is authorization for the subdivider to proceed with the minimum improvements required by these Regulations. Before the construction of any improvements or the submission of any bond or other improvement guarantee, the subdivider shall furnish the County with all plans necessary for the construction of such improvements. These plans shall be reviewed by the County Manager and, if in accordance with these Regulations, shall be approved by the County, allowing the subdivision development to proceed.

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

Section 8.2. Improvement Guarantees

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

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

Section 8.3. Road Development

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

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

8.3.2. Safety. All proposed roads shall conform to County safety standards.

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

8.3.4. Road Design

a. Traffic Design will follow NMSHTD Regulations for Driveways and Median Openings on Non-Access Controlled Highways.
b. Any access to a State highway or existing County Road from a subdivision must accommodate appropriate emergency vehicles.
c. Traffic Impact Studies are required for developments that generate more than 125 vehicles per day. This means a typical subdivision of 20 or more lots will need a Traffic Impact Study if all lots accesses directly to a state route.
d. Any subdivision development requests that affect Access Controlled Routes must be submitted to the NMSHTD Access Control Review Committee and the NMSHTD District Engineer.
e. All roads shall be located, aligned, and designed to:
    1) Protect public safety while preserving natural features and vegetation
    2) Provide for proper grades, drainage, and suitable surfacing to reduce hazards from mud and dust in conformance with all existing County road policies.

8.3.5. Road Drainage

a. When the subdivision is abutting a County Road or highway, existing drainage must be maintained. The drainage within the existing right of way shall not be altered or impeded.
b. When the subdivision is located upstream of a County Road or highway, no additional run-off will be allowed to drain into the existing drainage structures. Historical drainage shall be maintained.
c. All drainage structures within NMSHTD highway right of way shall be sized for 50 year design storm.

8.3.6. Additional NMSHTD Review

NMSHTD will review subdivision land use proposals affecting State Highways with respect to survey data, highway right of way limits, access control and encroachments.

8.3.7. Road Layout

The following standards apply to all roads, publicly or privately maintained, within County subdivisions.

a. The arrangement of roads in subdivision will provide for the continuation or appropriate projection of existing County Roads.
b. Local roads within the subdivision will be laid out in such a manor that their use by through traffic will be discouraged.
c. .A minimum of sixty foot (60') right-of-way will either dedicated to the County or granted to the Homeowners Association of the proposed subdivision and subject to a conditional dedication as set forth in Dedication and Maintenance Responsibilities.
d. Roads will be laid out to intersect as nearly as possible at right angles, and no street may intersect another road at less than seventy (70) degrees. Curvature in intersection design alignments will not be less than the stopping distances required for the design speed of the road as per AASHTO Standards.
e. Offset intersections of less than one hundred twenty-five feet (125) are not permitted.
f. Grades at the approach to intersections may not exceed 3% for 100 feet from the radius return of the intersection, excluding vertical curve distance.

8.3.8. Access to Highways and County Arterial

a. Where a proposed subdivision contains lots abutting or adjacent to a highway, the subdivision design will meet the New Mexico State Highway and Transportation Department's Regulations for Driveway and Median Openings on Non-Controlled Highways, latest edition.
b. The disclosure statement for subdivisions where lots access directly onto State Highways must include the information that driveways require a permit issued by the NSHTD.

8.3.9. Road Construction

a. Soil classifications and subgrade conditions will determine the base course thickness required. A minimum of six (6) inches of base course will be required in all cases and more than six inches may be required if soil conditions so indicate.
b. Base course shall be watered and rolled to a compaction of not less than ninety-five (95) percent of maximum density, according to methods specified by the AASHTO, T-180 modified moisture density test.
c. There will be a minimum three-percent (3%) crown in the driving surface for water runoff.
d. Adequate provisions for drainage will be installed at all waterway crossings. Culverts will be sized to accomodate a 25 year storm, with provisions to safely pass a 100 year storm. Culverts will also be of sufficient gauge or thickness and length, and placed appropriately deep to withstand projected traffic loading and storm runoff. Where necessary to accommodate roadside drainage, driveways entering roads will have culverts installed of eighteen inch (18") minimum diameter, so as not to impede flowing water. Driveways will also be designed and constructed to prevent flowing water from entering onto or crossing the roadway. A paved dip section may be constructed under appropriate conditions to accommodate minor drainage.
e. Lots will be laid out with frontages wide enough to provide adequate and safe driveway access.

8.3.10. Road Signs, Names and Addresses

a. The developer at all road intersections must install Road name signs.
b. All lots on the final plat will display rural address as assigned by the County Clerk.

Section 8.4 SUBDIVISION REGULATIONS GOVERNING WATER QUALITY, AND SUPPLY

8.4.1 Water Quality Documentation

The Water Quality Plan must include:

a. Subdividers name and mailing address;
b. Date the package was completed;
c. Subdividers proposal for meeting the New Mexico Environmental Department's (NMED) water quality requirements;
d. Be accompanied by a copy of the subdividers disclosure statement on water quality;
e. Be accompanied by the information listed in Subsections B, C, or D 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 NMED water quality requirements.

8.4.2. New Public Water Supply

If a new public water supply system is proposed, the following information must 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, the Water Quality Plan must include correspondence from NMED listing other water quality parameters that will be required for analysis by NMED;
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 potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one thousand (1000) feet of the proposed water supply system source.

8.4.3. Expansion of Existing Public Water Supply

If connection to and extension of an existing public water supply system is proposed, the following information must 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 water system.

8.4.4. New Private Water System

If private water supply systems are proposed, the following information must be submitted as part of the water quality documentation package:

a. A water quality analysis of a representative water sample for antimony, arsenic, barium, berylliam, 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 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.

8.4.5. Documentation

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.

Section 8.4.6. Water Quality Requirements

a. The level of a contaminant in water which is delivered to any user of a public or private water supply system shall not exceed the maximum contaminant level (MCL) for any of the contaminants listed in the NMED regulations in effect at the time the Water Quality Plan is submitted to the County.
b. The level of a contaminant in water which is delivered to any user of a public or private water supply system should not exceed the secondary maximum contaminant level (SMCL) for any of the contaminants listed in the NMED regulations in effect at the time the Water Quality Plan is submitted to the County.
c. If the level for any of the contaminants listed in NMED regulations, 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.
d. A water supply source shall not be located at less than the setback distances required by NMED regulations.
e. The disclosure statement for the subdivision must contain a statement describing the quality of water available for domestic use within the subdivision.

Table 1. PRIMARY (HEALTH RELATED) CONTAMINANTS

Inorganic (IOC)	
Contaminant	**MCL**
Antimony	0.006 mg/l
Arsenic	0.05 mg/l
Asbestos	7 MFL[a]
Barium	2 mg/l
Beryllium	0.004 mg/l
Cadmium	0.005 mg/l
Chromium (total)	0.1 mg/l
Copper	1.3 mg/l
Cyanide	0.2 mg/l
Fluoride	4.0 mg/l
Lead	0.015 mg/l
Mercury (inorganic)	0.002 mg/l
Nickel	0.1 mg/l
Nitrate (as N)	10 mg/l
Nitrite (as N)	1 mg/l
Nitrate+Nitrite (both as N)	10 mg/l
Selenium	0.05 mg/l
Thallium	0.002 mg/l

Radionuclide	
Contaminant	**MCL**
Gross α particle activity[b]	15 pCi/l
Radium-226 & -228[c]	5 pCi/l
Strontium-90	8 pCi/l
Tritium	20000 pCi/l

Volatile Organics (VOC)	
Contaminant	**MCL**
Benzene	0.005 mg/l
Carbon tectrachloride	0.005 mg/l
Dibromochloropropane	0.0002 mg/l
o-dichlorobenzene	0.6 mg/l
p-dichlorobenzene	0.075 mg/l
1,2-dichloroethane	0.005 mg/l
1,1-dichloroethylene	0.007 mg/l
cis-1,2-dichloroethylene	0.07 mg/l

Microbiology	
Contaminant	**MCL**
Giardia lamblia[d]	TT[e]
Legionella[d]	TT[e]
Standard plate count[d]	TT[e]
Total coliforms	Absent
Turbidity[d]	PS[f]
Viruses[d]	TT[e]

Disinfection Byproduct	
Contaminant	**MCL**
Total trihalomethanes	0.10 mg/l

Volatile Organics (VOC) Continued	
Contaminant	**MCL**
Ethylene dibromide	0.00005 mg/l
Monochlorobenzene	0.1 mg/l
Styrene	0.1 mg/l
Tetrachloroethylene	0.005 mg/l
Toluene	1 mg/l
1,2,4-trichlorobenzene	0.07 mg/l
1,1,1-trichloroethane	0.2 mg/l
1,1,2-trichloroethane	0.005 mg/l
Trichloroethylene	0.005 mg/l
Vinyl Chloride	0.002 mg/l
Xylenes (total)	0 mg/l

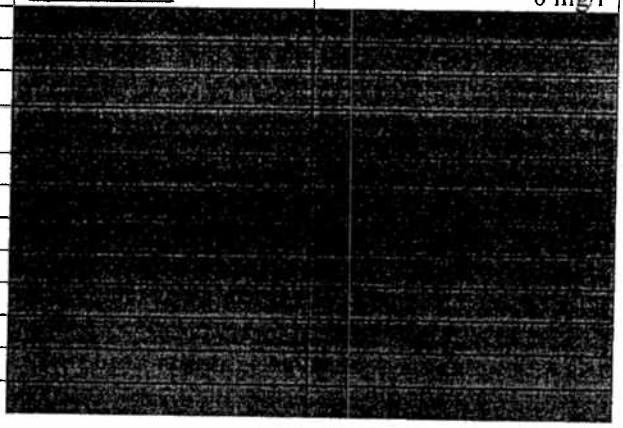

Table 3.1 Primary (Health Related) Contaminants		(Continued)	
Synthetic Organics (SOC)		**SOC (continued)**	
Contaminant	**MCL**	**Contaminant**	**MCL**
Alachlor	0.002 mg/l	Heptachlor	0.0004 mg/l
Atrazine	0.003 mg/l	Heptachlor epoxide	0.0002 mg/l
Benzo[a]pyrene	0.0002 mg/l	Hexachlorobenzene	0.001 mg/l
Carbofuran	0.04 mg/l	Hexachlorocyclopentadiene	0.05 mg/l
Chlorodane	0.002 mg/l	Lindane	0.0002 mg/l
2,4-D	0.07 mg/l	Methoxychlor	0.04 mg/l
Dalapon	0.2 mg/l	Oxamyl (Vydate)	0.2 mg/l
Di(2-ethylhexyl)adipate	0.4 mg/l	Pentachlorophenol	0.001 mg/l
Di(2-ethylhexyl)phthalate	0.006 mg/l	Picloram	0.5 mg/l
Dinoseb	0.007 mg/l	Polychlorinated biphenyls	0.0005 mg/l
Diquat	0.02mg/l	Simazine	0.004 mg/l
Endothall	0.1 mg/l	2,3,7,8-TCCD (Dioxin)	$3x10^{-3}$ mg/l
Endrin	0.002 mg/l	Toxaphene	0.003 mg/l
Glyphosate	0.7 mg/l	2,4,5-TP	0.05 mg/l

Notes to Table 1.
(a) Million Fibers longer than µm 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 (ESTHETIC RELATED) CONTAMINANTS			
Contaminant	**SMCL**	**Contaminant**	**SMCL**
Aluminum	0.05 to 0.2 mg/l	Manganese	0.05 mg/l
Chloride	250 mg/l	Odor	3 TON
Color	15 CU	pH	6.5 to 8.5
Copper	1.0 mg/l	Silver	0.1 mg/l
Corrosivity	Non-corrosive	Sodium	100 mg/l[a]
Fluoride	2.0 mg/l	Sulfate	250 mg/l
Foaming Agents	0.5 mg/l	TDS	500 mg/l
Hardness	250 mg/l	Turbidity	5 NTU
Iron	0.3 mg/l	Zinc	5 mg/l

Note for Table 2.odium concentration exceeding 20 mg/l must be noted in the Disclosure Statement.

Table 3. SETBACK DISTANCES FOR WATER SUPPLY SOURCES		
Potential Source of Contamination	Required Minimum Setback Distance (feet)	
	Public Water Supply System Source	Private Water Supply System Source
Water Tight sewers	50	25
Other Sewers	100	50
Community Liquid Waste Treatment	300	150
Individual Liquid Waste Treatment System	100	50
Community Liquid Waste Disposal System	600	300
Individual Liquid Waste Disposal System	200	100
Flood Plain	Outside	Outside

Section 8.5. Liquid Waste Disposal

8.5.1. Documentation

The liquid waste disposal documentation package must include:

a. Subdividers name and mailing address;
b. The date the package was completed;
c. Subdividers proposal for meeting the liquid waste disposal requirements:
d. Be accompanied by a copy of the subdividers disclosure statement on liquid waste disposal;
e. Be accompanied by the information required in Subsections B, C, or D of this section as applicable to the subdividers liquid waste disposal proposal; and
f. Be accompanied by other relevant information as may be necessary for determination of compliance with the liquid waste disposal requirements

8.5.2. New Community Liquid Waste System

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

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

8.5.3. Extension of Existing Liquid Waste System

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

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

8.5.4. Individual Liquid Waste Systems

If the subdivider proposes individual liquid waste systems; the following information must be submitted as part of the liquid waste disposal documentation package:

a. A soils investigation report (soil survey, soil borings to a minimum depth of eight (8) feet, soil test results and analysis of the soil survey, soil boring, and soil tests) defining soil depth to bedrock, seasonal high water ground water table or other limiting soil layer, and percolation rate for the soils present within the proposed subdivision;
b. 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;

c. A liquid waste system feasibility map, superimposed on the subdivision plat, delimiting the areas of suitable, limited, and prohibitive soil categories as determined by NMED regulations (see Table 5); and,
d. Preliminary plans for the individual liquid waste systems if a system will serve more than one (1) connection.

8.5.5. Discharge Approval

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

8.5.6. 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 state requirements or regulations.
2) The subdivider must 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 must 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 permitted by NMED regulations; installed in prohibitive soils as defined by NMED; or installed at less than the setback distances required by NMED regulations;
3) The subdivider is required to disclose and covenant that the lots can not be further divided or subdivided to lot sizes smaller than those approved for the subdivision.

Table 4. LOT SIZES FOR INDIVIDUAL LIQUID WASTE SYSTEMS

Minimum Average Lot Size for Subdivision	Minimum Lot Size
2.00 acres	1.00 acres

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

Table 5. SOIL CATEGORY FOR INDIVIDUAL WASTE SYSTEMS

Soil Characteristic	Soil Category	
Suitable (b)	Limiting ©	Prohibitive (d)

Percolation Rate (minutes per inch)	5 – 60	Less than 5 or 61 – 120	More than 120
Slope (percentage)	0 – 8	9 – 15	More than 15
Soil Depth to Seasonal High Ground Water Table or Bedrock or Other Limiting Soil Layer (feet)	8 or more	4- -8	Less than 4
Flood Plain	Outside	Outside	Outside

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 DISTANCES FOR INDIVIDUAL LIQUID WASTE SYSTEMS

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

Notes to Table 6.

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

Section 8.6. Solid Waste Disposal

8.6.1. Solid Waste Documentation

Solid waste documentation package must:

a. State the subdividers name and mailing address;
b. State the date the package was completed;
c. State the subdividers proposal for meeting solid waste disposal requirements;
d. Be accompanied by a copy of the subdividers disclosure statement on solid waste disposal;
e. Be accompanied by the information required in Subsections 8.6.2. and 8.6.3. of this section as applicable to the subdividers solid waste disposal proposal; and
f. Be accompanied by other relevant information as may be necessary for determination of compliance with the solid waste disposal requirements.

8.6.2. Existing Solid Waste Collection Service

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

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

8.6.3. Existing Solid Waste Disposal Site

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

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

8.6.4. Solid Waste Disposal Requirements

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

a. At the time of first occupancy of the subdivision the subdivider shall provide for disposal of solid wastes at an approved solid waste disposal facility; and
b. An approved solid waste collection system to collect and transport solid wastes to the disposal facility if the disposal facility is more than five (5) miles from the center of the subdivision.
c. At the time when five hundred (500) lots of the subdivision are occupied, the subdivider shall provide for an approved solid waste collection system to collect and transport solid wastes to the disposal facility.
d. The solid waste disposal requirements of this Section may be waived for type four or type five subdivisions if the subdivider discloses and covenants that:
    1) the lots will not be divided or subdivided to less than ten (10) acres;
    2) the lots will be restricted to seasonal (part-time) occupancy;
    3) on-lot solid waste disposal will be limited to solid waste generated on the lot by the lot owner; and,
    4) on-lot solid waste disposal will be done in a manner that does not create a nuisance, create a hazard to public health, or degrade a body of water.

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

Section 8.7. WATER CONSERVATION, AVAILABILITY, AND QUANTITY

8.7.1 Purpose.

The Water Availability Plan must include sufficient information for the County Commission to determine whether the subdivider can fulfill the proposals contained in his disclosure statement including water for indoor and outdoor domestic uses; and:

a. subdividers name and mailing address;
b. date the plan deem complete by the County;
c. subdividers proposal assessing water availability to meet the maximum annual water requirements for the proposed subdivision;
d. proposed method of complying with the following requirements in the Quay County Subdivision Regulations.

8.7.2 Water Conservation Measures

a. water-saving fixtures shall be installed in all new residential and non-residential buildings. Water-saving fixtures shall include, but not be limited to, low-flush toilets, low flow showerheads, low-flow faucets, and insulation of hot water pipes.
b. all applicable restrictions on indoor and/or outdoor water use prescribed under permits issued by the State Engineer, or pursuant to an order issued by a court of competent jurisdiction shall be strictly adhered to.

8.7.3. Quantification of Annual Water Requirements

a. the maximum annual water requirement for both indoor and outdoor purposes, for each parcel in a residential subdivision shall be one (1) acre-foot per year. The total annual water requirement for the subdivision in acre-feet per year, is computed by multiplying the number of parcels by one (1) acre-foot.
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.

8.7.4. Water Availability Assessment for All Type-one, Type-two, and Type-four Subdivisions, and All Type-three and Type-five Subdivisions Containing Six or More Parcels

a. a water availability assessment shall be submitted by the subdivider:
   1) as a condition of preliminary subdivision plat approval for all type-one, type-two, and type-four subdivisions, and type-three subdivisions containing six or more parcels.
   2) as a condition of final subdivision plat approval for type-five subdivisions containing six or more parcels.
b. the subdivider shall submit a geohydrologic reports demonstrating that a water source sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development of a continuous period of 40 years.
c. 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.
d. 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 documents the quantity of water presently produced annually, quantity of water supply commitments to date, and of sufficient water to meet both existing commitments and the requirements of the proposed subdivision.

Section 8.8. Fire Protection

8.8.1. Fire Protection Plan

a. a fire protection plan shall be a condition of preliminary plat approval for all non-residential subdivisions and subdivisions with community water systems, or of final plat approval for summary review subdivisions with community water systems.
b. for all subdivisions with fire protection, the subdivider shall submit a plat of the proposed subdivision, preliminary plans of the proposed water supply, storage and distribution system, and calculations demonstrating that the proposed fire protection facilities will meet the requirements of these guidelines, prepared by or under the supervision of a registered professional engineer.
c. for all subdivisions to be supplied by existing utilities, the letter of intent from the utility to provide water shall specify fire flows and pressures which will be provided and fire flow storage which may be apportioned to the subdivision.
d. if fire-fighting services are available, the subdivider shall provide a letter from the local fire authority having jurisdiction that states:
    1) Rate in gallons per minutes that water may be delivered to the fire by the fire authority, if applicable, and
    2) Distance and anticipated time of travel to the fire.

Section 8.9. TERRAIN MANAGEMENT

8.9.1 Purpose. The subdivider shall submit a terrain management plan which conforms with the requirements of the New Mexico Subdivision Act and the Quay County Subdivisions Regulations showing that ;

a. the subdivider can fulfill the proposals for terrain management contained in the terrain management plan and disclosure statement; and
b. the local Soil & Water Conservation District(s) have reviewed the plan and disclosure statements.

8.9.2 Terrain Management Plan
The Terrain Management Plan shall include:

a. VICINITY MAP - A map drawn to a scale of not more than 2,000 feet to one inch showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within three miles of the site. This map shall display the topographic contours at 20 feet intervals (A suitable example would be from a USGS Topographic Map).
b. NATURAL FEATURES MAP - A map of the development (at the same scale as the preliminary plat map) showing directly or by overlay:
    1) The boundaries of the development
    2) The existing contours with intervals of not less than 2 feet where the slope is less than 8 % and not more than 5 feet where the slope is 8 % or greater
    3) All areas with natural slopes of 25 % or greater clearly recorded by scale, line, or color
    4) The location of all roads, drainage channels, watercourses, water bodies, floodways, flood fringes, and floodplains
    5) The location of all major rock outcropping, faults and geologic resources
    6) The location of areas which the subdivider intends to revegetate; and location of areas where native vegetation is intended to be preserved.

c. SOIL SURVEY – Soils having severe limitations, or which are shown as unsuitable for the intended purposes, should not be used unless the developer has clearly shown in the terrain management plan how these limitations will be overcome. A soil survey of the proposed subdivision area is required in the terrain management plan and will include:
    1) An overlay of the natural features map showing the location of each soil type. Soil surveys will be in keeping with national standards as set forth by the USDA Natural Resources Conservation Service

2) A description of the soil types. Detailed soil profiles maybe required if deemed necessary by the soil & water conservation district
3) Interpretations of the limitations for each soil type for the intended land uses common to the development

d. GRADING PLAN – Land grading, filling, and clearing operations, including road development, will be designed to fulfill the following requirements and be included in the terrain management plan as outlined below. A series of maps, cross sections, and design profiles will show the location and impact of the planned development, and how the subdivider plans to:

1) Preserve, match or blend with the natural contours of the land by:
   a) describing how grading operations will be performed to blend slopes and fills into the natural contours of the land.
   b) indicating whether the subdivider intends to retain or replace trees and other native vegetation, to stabilize hillsides and cut/fill slopes, retain moisture, reduce erosion, and reduce runoff.
   c) designing cuts and fills to minimize the area of exposure and reduce sharp angles at the toe and sides.
   d) Preventing the deposit of sediment into floodplains, drainage channels, watercourses, and water bodies.
2) The following discharges, attributable to grading, are prohibited whether the discharge is direct or indirect:
   a) sediment and other organic or earthen materials discharged into a watercourse, water body, drainage channel or floodplain.
   b) material placed in any position which would make it susceptible to erosion and deposition into a watercourse, water body, drainage channel, or floodplain.
      (1) the plan for grading, land forming, and protective cover should provide for the prevention of soil sedimentation.
      (2) the plan should call for temporary or permanent structural measures to prevent damaging runoff waters from originating on the slope itself, if applicable.
      (3) planned structural measures should adequately provide for site limitations.
3) Whenever the native ground cover is removed or disturbed, or fill material is placed on site, the plan should provide for the exposed surface to be treated to the extent necessary to limit blowing dust during construction.
4) The plan should describe the disposition of earth removed during grading operations. The maximum cut and fill slopes should be compatible with soil stability or erodibility as shown on the soil
5) survey and/or county regulations.
6) The plan should include provisions to prevent runoff from flowing over the face of the slope
7) If arroyos or other overfall areas are in the planning area, plans should include rundowns to a safe outlet.
8) Plans should include provisions for water and erosion control in borrow ditches along streets and roads.

Grading Plan Maps & Data

1. An overlay of the Natural Features Map showing the location of all proposed parcels, roads, bridges, water and erosion control structures, and the utility easements in relation to the existing contours
2. An overlay showing the finished contours of the development after all proposals have been implemented using contour intervals equal to or less than those on the existing contour map
3. The location of all cuts and fills, including the grades, lengths, and depths thereof displayed using the necessary cross section and profiles to adequately describe and display the planned action
4. The location of all areas where the natural elevation of the land will be changed by more than three feet
5. The location of all areas where the grading of land will disturb more than 1000 contiguous square feet
6. Profiles showing the existing ground surface and proposed street grades and typical cross-sections of the proposed grading

7. Descriptions of methods of stabilization in areas of cut and fill, embankment compaction, and revegetation on steep slopes

e. LANDSCAPING PLAN - A series of maps or overlays and narratives to identify those areas which will be revegetated following disturbance or where vegetation is used to stabilize slopes.
   1) Location and type of materials to be used in revegetation and slope stabilization
   2) Location of all areas where vegetation will be preserved and a description of the methods that will be used for protection
   3) Duration of exposure of the disturbed sites before reclamation methods will be used to minimize erosion

f. EROSION AND DRAINAGE PLAN - This shall include the necessary charts, drawings, location maps, and calculations to support the plan. The plan should clearly indicate that installed measures will prevent or control erosion, and protect and preserve existing natural drainage channels. As a minimum the following items should be considered:
   1) Road grades should be designed flat enough to prevent erosion, based on the soils involved.
   2) Borrow areas or drainage features should be designed to prevent erosion or sediment deposition.
   3) Culvert inlets and outlets should be properly protected from erosion and sedimentation.
   4) Temporary soil stabilization may be needed during development.
   5) Soil stabilization methods should be planned on permanent slopes over 8%
   6) Protect and preserve existing natural drainage channels except where erosion and water control measures are found necessary and recommended for approval by the local soil & water conservation district.
   7) Provide temporary measures to prevent damaging runoff waters from leaving the site until construction is completed and permanent control measures are installed.
   8) Protect structures and other works from flood hazards using the 50-year frequency storm for calculating flood levels.
   9) Provide a system wherein runoff water within the subdivision is removed without causing harm or damage to the environment, property, or persons, inside or outside the subdivision area.
   10) Assure that water drained from the subdivision does not contain sedimentary materials of any greater quantity than would occur in the absence of the subdivision.
   11) Assure that waters are drained from the subdivision in such a manner that they will not cause erosion outside of the subdivision to any greater extent than would occur in the absence of the subdivision.
   12) Assure that road construction provides proper drainage by:
      a) avoiding water ponding areas as a result of road construction unless plans are developed that will adequately address the conditions.
      b) designing roads used in collecting or disposing of runoff to insure adequate control of the flows to prevent erosion and sedimentation.
      c) designing road drain outlets flowing into existing drainage course to prevent erosion in the drainage course.
      d) properly sizing and locating road culverts of adequate length .

Erosion and Drainage Plan Maps & Calculations:

1. A watershed map showing all the upper watershed area draining into or through the site; showing water courses, topographic conditions, and location of soil and vegetative materials within the watershed
2. Storm drainage computations for the 100-year frequency storm both reaching and leaving the site in the pre-development conditions.
3. Storm drainage calculations for the post development estimates of runoff after planned full development of the site, displayed to show the estimated runoff before and after any mitigation of the increased flows.
4. Quantities of water carried by the major watercourses and the proposed treatment of the watercourses. Calculations will be provided for pre and post development.

5. Location, type, and size of all proposed drainage and erosion control structures with adequate drawings or designs
6. Location and size of all drainage easements for all floodplains, floodways, flood fringes, and other natural water courses along with adequate supporting documentation. Drainage easements are required for all watercourses with 100-year storm flows that exceed 20 cubic feet per second flow rates.
7. An overlay indicating the depth to ground water in all areas where the seasonal high water table is within twenty feet of the ground surface
8. **Appropriate design details necessary to clearly explain the construction of all surface and subsurface** structures

g. CONSTRUCTION SCHEDULE
   1) The start and finish dates for all clearing, grubbing and grading activities
   2) Duration of exposure of disturbed areas
   3) Stabilization date for disturbed areas
   4) Installation date of all storm drainage system components
   5) Installation dates for all roads and related structural measures
   6) Installation date of each utility to be provided and whether said utility will be above or below ground
   7) Installation date for homes, recreation structures, and other communities facilities and improvements

ARTICLE 9. ADMINISTRATIVE FEES

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

Preliminary plat	$200
Final plat	$100
Summary review plat	$100
Variance	$100
Appeal	$ 75
Claim of exemption	$ 50
Statement of vacation	$100

ARTICLE 10. APPEALS

Section 10.1. Who May Appeal

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

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

Section 10.2. Appeal Process

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

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

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

10.2.3. Notice of appeal. The appeal shall be perfected by filing a written notice of appeal that sets forth the specific portion or portions of the decision being appealed. A copy of the decision or order being appealed shall be attached to the notice of appeal. The appeal shall be perfected upon filing of the notice required by these Regulations and payment of the required administrative fee.

ARTICLE 11. ENFORCEMENT, PENALTIES, AND REMEDIES

Section 11.1. Purpose and Authority

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

Section 11.2. Investigation of Alleged Violations

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

Section 11.3. Penalties and Remedies.

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

11.3.1. Utility Connections. Any water, sewer, electric, or gas utility that connects service to individual parcels within a subdivision before a final plat for the subdivision has been filed in the office of the Quay County Clerk may be fined a civil penalty of up to five hundred dollars ($500) by the Board of County Commissioners. The Board of County Commissioners may also require that any utility connected in violation of this section and of §47-6-27.2 NMSA 1978 be disconnected.

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

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

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

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

11.3.5. Criminal Penalties

a. § 47-6-27 NMSA 1978 provides that:
   i) any person who knowingly, intentionally, or willfully commits a material violation of the New Mexico Subdivision Act is guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars ($10,000) per violation, or by imprisonment for not more than one year, or both; and
   ii) any person who is convicted of a second or subsequent knowing, intentional, or willful violation of the New Mexico Subdivision Act is guilty of a fourth degree felony, punishable by a fine of not more than twenty-five thousand dollars ($25,000) per violation or by imprisonment for not more than eighteen (18) months, or both.

b. Any violation of the provisions of these Regulations is punishable by a fine not to exceed three hundred dollars ($300) or imprisonment for not more than ninety (90) days, or both, in accordance with §4-37-3 NMSA 1978.

ARTICLE 12. AMENDMENT

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

ARTICLE 13. SEVERABILITY

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

ARTICLE 14. APPENDIXES

The appendixes of this document are hereby incorporated into and part of this Ordinance.

ARTICLE 15. REPEAL AND EFFECTIVE DATE

These Regulations repeal Quay County Ordinance #24. These Regulations become effective on the 9TH day of SEPTEMBER, 2004 for the health, safety, and welfare of the residents of Quay County.

ADOPTED BY THE GOVERNING BODY OF QUAY COUNTY THIS 9TH day of AUGUST, 2004.

BOARD OF QUAY COUNTY COMMISSIONERS

Grace E. Madrid, Chairman

Jeffrey L. Lewalling, Member

Franklin D. McCasland, Member

ATTEST:

Jeannette Maddaford, County Clerk

APPENDIX A

CLAIM OF EXEMPTION

CLAIM OF EXEMPTION

To claim an exemption from the requirements of the Quay County Subdivision Regulations (Ordinance), you must complete this form, sign it before a notary public and submit it together with legible copies of all required documents to Quay County Administration Office. Be sure to check all exemptions which apply and attach legible copies of all supporting documents.

The County Manager will notify you in writing within forty-five (45) days as to whether your claim of exemption has been granted. If the claim of exemption is granted, or if you do not hear from the County Manager within forty-five (45) days, you may proceed with the land division you propose without needing to comply with the requirements of the Quay County Subdivision Regulations. If your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the Quay County Subdivision Regulations.

****

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

1.____The sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agriculture purposes, in § 7-36-20 NMSA 1978, for the preceding three (3) years. **ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL.**

2.____The sale or lease of apartments, offices, stores or similar space within a building. **ATTACH COPIES OF ALL PROPOSED SALE OR LEASE DOCUMENTS.**

3.____The division of land within the boundaries of a municipality. **ATTACH CERTIFIED SURVEY SHOWING LOCATION AND PROPOSED DIVISION.**

4.____The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land. **ATTACH COPIES OF ALL PROPOSED CONVEYANCING DOCUMENTS.**

5.____The division of land created by court order where the order creates no more than one parcel per party. **ATTACH CERTIFIED COPY OF COURT ORDER.**

6.____The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. **ATTACH COPY OF PROPOSES CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES.**

SUCH DOCUMENTS MUST CONTAIN A COVENANT RUNNING WITH THE LAND AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND THE PROPERTY OWNER THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITES. THE COVENANT MUST BE SIGNED BY THE PROPERTY OWNER, THE BUYERS OR LESSEE, AND THE BOARD OF COUNTY COMMISSIONERS AND MUST BE FILED OF RECORD WITH THE COUNTY CLERK.

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

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

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

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

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

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

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

Signature:

_____

Print your name here

_____

Address

_____

City, State and Zip Code

_____

Telephone number(s)

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

_____

NOTARY PUBLIC

My Commission Expires:

_____

APPENDIX B

FORMS

620

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CERTIFICATION OF FILING

Name of property owner:_____

Location of property (state size (acres) and location (section, township, and range):

_____

_____

CHECK ONE: _____ The filing of this deed or contract transfers ownership of an existing parcel of land and does not create a new parcel of land. (Complete only #2 below.)

_____ The filing of this deed or contract creates a new parcel of land (Complete #1 and #2 below) If this box is checked, the following date and signature of the appropriate authority must be included prior to recording this document.

_____ The filing of this deed or contract is a conveyance of minerals only. (Complete only #2 below.)
(No extra page fee will be charged in this box is checked).

_____

Date Exemption Approved: _____ **Authorized by:** _____

#1 EXEMPTION: When the new deed or contract is for a parcel that was created after July 1, 1996, state of the exemption claimed. (Quote from Quay County Subdivision Ordinance No. 35.)

_____

_____

_____

_____

_____

Item #2

AFFIDAVIT

STATE OF NEW MEXICO)
COUNTY OF QUAY)

Comes now_____and after being first duly sworn, states as follows:

I certify that the information provided by me in this certification is true and correct, that all statements about the condition of the property and the actions that are to be taken are true and accurate, that the filing of this deed, real estate contract, or other conveyance instrument does not violate the New Mexico Subdivision Act (Chapter 47, Article 6, NMSA 1978) or the Quay County Subdivision Ordinance No. 35, and that I have the permission of the current owner of the property to take this action.

_____

Company, Organization or Individual Represented Address

_____

City State Zip Telephone

_____

Signature

SUBSCRIBED AND SWORN to before me this _____day of _____, _____

_____

NOTARY PUBLIC

My Commission Expires:_____

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AFFIDAVIT OF COMPLIANCE

STATE OF NEW MEXICO)
COUNTY OF QUAY)

Comes now _____, and after being first duly sworn, states as follows:

I certify that the information provided by me in this affidavit is true and correct, that the property lies inside an incorporated portion of Quay County, and that the filing of, this deed, real estate contract, or other conveyance instrument is not governed by the New Mexico State Subdivision Act (Chapter 47, Article 6, NMSA 1978) or the Quay County Subdivision Ordinance No. 35.

_____

Company, Organization or Individual Represented Address

_____

City State Zip Telephone Number(s)

_____

Signature

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

_____

NOTARY PUBLIC

My Commission Expires:

_____

COUNTY SUBDIVISION REGULATIONS
APPLICATION FOR PRELIMINARY PLAT APPROVAL

INSTRUCTIONS

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

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number_____

_____

_____

Signature_____Date_____

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

_____

_____

Signature_____Date_____

3. Engineer/Surveyor Name, Address and Phone Number_____

_____

_____

Signature_____Date_____

SUBDIVISION INFORMATION

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

5. This is a Type One_____Two_____Three_____Four_____Subdivision (check one)

   Number of Lots:_____

Total Acreage:_____Acres

Size of smallest Lot:_____Acres

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

SUPPLEMENTAL INFORMATION

7. If this is a succeeding subdivision, provide detailed attachments indicating the relationship between the proposed subdivisions and the previous subdivision.

8. If this is part of a phased subdivision, attach a master plan of all phases indicating the current proposed phase and an anticipated phasing schedule.

9. If this is a resubdivision, provide a reference to the original plat with an explanation of the proposed changes.

10. Supporting documentation required for the preliminary plat review as defined by the County Subdivision Regulations shall be attached to this application.

11. The required number of copies of the preliminary plat map as specified by the Quay County Subdivision Regulations shall be attached to this application.

12. A draft copy of the disclosure statement, if required, shall be attached to this application and shall be in accordance with the standardized format provided in the Quay County Subdivision Regulations.

PROCEDURAL INFORMATION (to be complete by County Staff)

13. Date application received by County_____Signed_____

14. Date preliminary plat deemed complete_____Signed_____

15. Date of public hearing_____

16. Date of preliminary plat approval by County_____

COUNTY SUBDIVISION REGULATIONS
APPLICATION FOR SUMMARY REVIEW PLAT APPROVAL

INSTRUCTIONS

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

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number_____

_____

_____

Signature_____Date_____

2. Engineer/Surveyor Name, Address, and Phone Number_____

_____

_____

Signature_____Date_____

SUBDIVISION INFORMATION

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

4. This is a Type Three_____Five_____Subdivision (check one)

   Number of Lots:_____

   Total Acreage:_____Acres

   Size of smallest lot:_____Acres

SUPPLEMENTAL INFORMATION

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

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

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

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

PROCEDURAL INFORMATION (To be complete by County staff)

9. Date of pre-application conference_____Signed_____

10. Date application received by County_____Signed_____

11. Date summary review plat deemed complete_____Signed_____

12. Date summary review plat approved by County_____

13. Date summary review plat filed with County Clerk_____

COUNTY SUBDIVISION REGULATIONS
APPLICATION FOR FINAL PLAT APPROVAL

INSTRUCTIONS

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

GENERAL INFORMATION

1. Name of Subdivision_____

2. This is a Type_____Subdivision

   Number of Lots:_____

   Total acreage:_____Acres

3. Subdivider or Agent Name, Address, and Phone Number_____

_____

_____

Signature_____Date_____

4. Engineer/Surveyor Name, Address and Phone Number_____

_____

_____

Signature_____Date_____

SUPPLEMENTAL INFORMATION

5. Have any changes to the proposed subdivision been made since the preliminary plat was approved?_____If so, attach a detailed explanation of such changes.

6. Have the required improvements been complete?_____If not, attach improvement agreement to ensure completion of required improvements.

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

8. The original drawing and required number of copies of the final plat map shall be attached to this application.

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

PROCEDURAL INFORMATION (To be completed by County staff)

10. Date of preliminary plat approval_____Expiration Date_____

11. Extension dates (if any, with explanation)_____

_____

12. Date application received by County_____Signed_____

13. Date final plat deemed complete_____Signed_____

14. Date of final plat approval by County_____

15. Date final plat is filed with County Clerk_____

FOR ALL SUBDIVISIONS CONTAINING 5 OR MORE PARCELS

DISCLOSURE STATEMENT

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

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

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

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

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what 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 Quay County Clerk.

Building permits, wastewater permits or other use permits must be issued by state or city 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.

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549

1. **NAME OF SUBDIVISION:** _____

_____

2. **NAME AND ADDRESS OF SUBDIVIDER:** _____

_____

_____

3. **NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO, including telephone number(s):** _____

_____

_____

4. **SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED:**

Present: Anticipated:

_____

Number of acres in subdivision Number of acres in subdivision

_____

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

_____

6. **SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITH THE SUBDIVISON:** _____

_____

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

Lowest amount: $_____
Size of parcel sold, leased or conveyed_____ acres
Highest amount: $_____
Size of parcel sold, leased or conveyed:_____ acres

8. **FINANCING TERMS**

Interest rate:_____
Term of loan or contract:_____
Minimum down payment:_____
Service charges and/or escrow fees:_____

Premium for credit life or other insurance if it is a condition for giving credit:____
_____

Closing costs:_____
Any other information required by the Truth in Lending Act and Regulation Z if not set forth above:_____
_____

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

Name of person who is recorded as having legal title:_____

Address of person who is recorded as having legal title:_____

_____

NOTE: IF ANY OF THE HOLDERS OF LEGAL TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION – USE THE BACK OF THIS PAGE IF NEEDED.

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 – UE THE BACK OF THIS PAGE IF NEEDED.

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 subdivision 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 nor the subdivider has any interest in or financial ties to the escrow agent:_____

_____

14. **UTILITIES**

Name of entity providing electricity, if available:_____
Estimated cost per parcel:_____
Name of entity providing gas service, if available:_____
Estimated cost per parcel: _____
Name of entity providing water, if available:_____
Estimated cost per parcel:_____
Name of entity providing telephone, if available:_____
Estimated cost:_____
Name of entity providing liquid waste disposal, if available:_____
Estimated cost:_____
Name of entity providing solid waste disposal, if available:_____
Estimated cost:_____

15. **INSTALLATION OF UTILITIES:**

Electricity:
Date:_____
Gas:
Date:_____
Water:
Date:_____
Telephone:
Date:_____
Liquid waste disposal:
Date:_____
Solid waste disposal:
Date:_____

16. **UTILITY LOCATION**

If all utilities are to be provided to each parcel in the subdivision, please state here:_____

_____

If utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel:_____

_____

State whether each utility will be above ground or underground:

	Above ground/underground
Electricity	_____
Gas	_____
Water	_____
Telephone	_____
Liquid waste disposal	_____
Solid waste disposal	_____

17. **WATER AVAILABILTY**

Described 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:_____

_____

Described the means of water delivery within the subdivision:_____

_____

Described 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:_____

_____

Described what measurers, if any, will be employed to monitor or restrict water use in the subdivision:

_____

18. **FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS**

Name and address of entity providing water:_____

_____

Source of water and means of delivery:_____

Summary of any legal restrictions on either indoor or outdoor usage:_____

_____

Statement that individual wells are prohibited, if such is the case:_____

19. **FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS**

State whether wells will be provided by the subdivider or by the prospective purchaser/lessee/conveyee:

_____

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

_____

_____

_____

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

_____

_____

Summary of legal restrictions on either indoor or outdoor usage:_____

_____

_____

Average depth to groundwater and the minimum and maximum well depths to be reasonably expected:

Recommended total depth of well:_____

Estimated yield in gallons per minute of wells completed to recommended total depth:_____

20. **LIFE EXPECTANCY OF WATER SUPPLY**

State the life expectancy of each source of water supply for the subdivision under full development of the subdivision:_____

21. **SURFACE WATER***

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

Provide a detailed statement of the source and yield of the surface water supply and any restrictions to which the surface water is subject:_____

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

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

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

Whether or not the subdivider can fulfill the proposals in this disclosure statement concerning water, excepting water quality._____

23. **WATER QUALITY**

Described the quality of water in the subdivision available for human consumption:_____

Described 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 Quay County Commissioners and the name of the element, compound or standard that has exceeded that parameter:_____

24. **NEW MEXICO ENVIRONMENT DEPARTMENTS 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:_____

NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY E.I.D.

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's proposal for liquid waste disposal conforms to the county's liquid waste disposal regulations._____

_____

27. **SOLID WASTE DISPOSAL**

Describe the means of solid waste disposal that is proposed for the 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 regulations._____

_____

29. **TERRAIN MANAGEMENT**

Describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation:

_____

District's soil survey for Quay County:_____

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

_____

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

_____

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 O PINION O N T ERRAIN 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 distances is computed:

_____

Described 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:_____

_____

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' responsibility 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 measurer have been taken to make sure that maintenance takes place:_____

_____

33. **STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS**

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

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.

_____

_____

Described all performance bonds, letters of credit, or other collateral securing the completion of each proposed improvement._____

_____

UNLESS THERE IS SUFFICIENT BOND, LETTERS 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.

****

THE D ISCLOSURE STATEMENT FOR ALL SUBDIVISIONS WITH 100 OR MORE PARCELS SHALL CONTAIN ALL OF THE INFORMATION REQUIRED IN THE PREVIOUS ITEMS AS WELL AS THE FOLLOWING INFORMATION.

****

35. **ADVERSE OR UNUSUAL CONDITIONS**

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

_____

36. **RECREATIONAL FACILITIES**

Describe all recreational facilities, actual and proposed in the subdivision:_____

_____

State the estimated date of completion of each proposed recreational facility:_____

State whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and described any such bond, letter of credit or other collateral:_____

37. **FIRE PROTECTION**

Distance to nearest fire station from subdivision:_____

Route over which that distance is computed:_____

State whether the fire department is full-time or volunteer:_____

38. **POLICE PROTECTION**

List the various police units that patrol the subdivision:_____

Sheriff's department, if applicable:_____

Municipal police, if applicable:_____

State police, if applicable:_____

39. **PUBLIC SCHOOLS**

Name of and distance to nearest public elementary school serving the subdivision:_____

Name of and distance to nearest public junior high or middle school serving the subdivision:

Name of and distance to nearest public high school serving the subdivision:_____

40. **HOSPITALS**

Name of nearest hospital:_____

Distance to nearest hospital and route over which that distance is computed:_____

_____

Number of beds in nearest hospital:_____

41. **SHOPPING FACILITIES**

Description of nearest shopping facilities including number of stores:_____

_____

Distance to nearest shopping facilities and route over which that distance is computed:_____

_____

42. **PUBLIC TRANSPORTATION**

Describe all public transportation that serves the subdivision on a regular basis:_____

_____

COUNTY SUBDIVISION REGULATIONS
NOTICE OF APPEAL

INSTRUCTIONS

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

APPELLANT INFORMATION

1. Name, Address, and Phone Number_____

_____

_____

Signature_____Date_____

2. Agent (in any) Name, Address, and Phone Number_____

_____

_____

Signature_____Date_____

NATURE OF APPEAL

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

_____

_____

_____

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

PROCEDURAL INFORMATION (To be completed by County Staff)

5. Date of action being appealed_____

6. Date Notice of Appeal received by County _____Signed_____

7. Date of decision regarding special appeal by Board of County Commissioners_____

COUNTY SUBDIVISION REGULATIONS
APPLICATION FOR A VARIANCE

INSTRUCTIONS

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

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number_____

_____

_____

Signature_____Date_____

2. Engineer/Surveyor Name, Address, and Phone Number_____

_____

_____

Signature_____Date_____

SUBDIVISION INFORMATION

3. Name of Subdivision_____

4. Reason for Variance (brief description)_____

_____

_____

5. Attach a copy of the planned development program containing maps, schematics, and a narrative statement describing the full build-out of the proposed development.

PROCEDURAL INFORMATION (To be completed by County Staff)

6. Date application received by County_____Signature_____

7. Date of public hearing_____

8. Date of variance approval by County_____