

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 1997
by _____.

My commission expires:

Notary Public

APPENDIX C.2 [FOR ALL SUBDIVISIONS CONTAINING 5 OR MORE PARCELS]¹**DISCLOSURE STATEMENT**

FOR ALL SUBDIVISIONS CONTAINING FIVE (5) OR MORE PARCELS

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

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

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

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

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

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

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

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

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 _____ County Clerk.

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

1. NAME OF SUBDIVISION

(name of subdivision)

2. NAME AND ADDRESS OF SUBDIVIDER

(name of subdivider)

(address of subdivider)

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

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

(address of person in charge of sales,

leasing or other conveyance)

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

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

Present

(number of parcels) _____ (number of parcels)

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

(size of largest parcel in acres)

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

(size of smallest parcel in acres)

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

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

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

8. FINANCING TERMS

(interest rate)

(term of loan or contract)

(minimum down payment)

(service charges and/or excrow fees)

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

(closing costs)

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

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

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

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

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

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

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

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

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

11. CONDITION OF TITLE

Include at least the following information where applicable

(number of mortgages)

(name and address of each mortgagee)

(balance owing on each mortgage)

(summary of release provisions of each mortgage)

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

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

(balance owing on each real estate contract)

(summary of default provisions of each real estate contract)

(summary of release provisions of each real estate contract)

(statement of any other encumbrances on the land)

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

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

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

13. ESCROW AGENT

(name of escrow agent)

(address)

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

14. UTILITIES

(name of entity providing electricity, if available) (estimated cost per parcel)

(name of entity providing gas service, if available) (estimated cost)

(name of entity providing water, if available) (estimated cost)

(name of entity providing telephone, if available) (estimated cost)

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

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

15. INSTALLATION OF UTILITIES

(electricity) (date)

(gas) (date)

(water) (date)

(telephone) (date)

(liquid waste disposal) (date)

(solid waste disposal) (date)

16. UTILITY LOCATION

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

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

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

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

17. WATER AVAILABILITY

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

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

(describe the means of water delivery within the subdivision)

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

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

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

18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

(name and address of entity providing water)

(source of water and means of delivery)

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

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

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

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

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

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

(summary of legal restrictions on either indoor or outdoor usage) (average depth to groundwater and the minimum and maximum well depths to be reasonably expected)

(recommended total depth of well)

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

20. LIFE EXPECTANCY OF WATER SUPPLY

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

21. SURFACE WATER*

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

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

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

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

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

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

23. WATER QUALITY

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

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

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

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

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

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

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

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

25. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board of County

Commissioners for use within the subdivision)

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

26.N.M. ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL

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

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

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

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

27. SOLID WASTE DISPOSAL

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

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

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

(whether or not there are sufficient solid waste disposal facilities to fulfill the needs 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 regulations on solid waste disposal)

29. TERRAIN MANAGEMENT

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

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

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

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

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

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

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

30. NATURAL RESOURCE CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on:

(whether or not the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion)

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

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

31. SUBDIVISION ACCESS

(name of town nearest to subdivision)

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

(describe access roads to subdivision)

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

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

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

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

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

32. MAINTENANCE

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

33. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

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

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

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

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

34.CONSTRUCTION GUARANTEES

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

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

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

35.ADVERSE OR UNUSUAL CONDITIONS

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

36. RECREATIONAL FACILITIES

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

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

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

37.FIRE PROTECTION

(distance to nearest fire station from subdivision)

(route over which that distance is computed)

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

38.POLICE PROTECTION

List the various police units that patrol the subdivision.

(sheriff's department, if applicable)

(municipal police, if applicable)

(state police, if applicable)

39.PUBLIC SCHOOLS

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

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

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

40. HOSPITALS

(name of nearest hospital)

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

(number of beds in nearest hospital)

41. SHOPPING FACILITIES

(description of nearest shopping facilities including number of stores)

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

42. PUBLIC TRANSPORTATION

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

_____(seal)_____ (seal)

_____(seal)_____ (seal)

ACKNOWLEDGEMENT OR NATURAL PERSONS

STATE OF NEW MEXICO)

ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____ 1997
by _____

My commission expires:

Notary Public

CLAIM OF EXEMPTION
COLFAX COUNTY
STATE OF New Mexico

Date _____
Name of property owner(s) _____
Address _____
City, state and zip code _____
Telephone number(s) _____

Location of property covered by this exemption _____

To claim an exemption from the requirements of the Colfax County Subdivision Ordinance, you must complete this form, sign it before a notary public and submit it together with legible copies of all required documents to County Manager. 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 (40) 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 within forty (40) days, you may proceed with the land division you propose without needing to comply with the requirements of the Colfax 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 County Subdivision Regulations.

I, claim an exemption from the requirements of the New Mexico Subdivision Act and the County Subdivision Regulations for the following reason(s):

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

- x the division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. SUCH DOCUMENTS MUST CONTAIN A COVENANT RUNNING WITH THE LAND AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND THE PROPERTY OWNER THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES. THE COVENANT MUST BE SIGNED BY THE PROPERTY OWNER, THE BUYERS OR LESSEE, AND THE BOARD OF COUNTY COMMISSIONERS AND MUST BE FILED OF RECORD WITH THE COUNTY CLERK.
- x the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. ATTACH CERTIFIED SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION
- x the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. As used herein the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, step grandson, granddaughter, step granddaughter, nephew and niece, whether related by birth or adoption. ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENT AND BIRTH CERTIFICATE, ADOPTION CERTIFICATE OR OTHER DOCUMENT DEMONSTRATING FAMILY RELATIONSHIP CLAIMED BAPTISMAL CERTIFICATES ARE NOT ACCEPTABLE DOCUMENTATION
- x 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
- x the sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres; ATTACH CERTIFIED SURVEY SHOWING LOCATION AND SIZE OF PARCEL
- x 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

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

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

Signature _____

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

Notary Public

My commission expires: _____

FOR OFFICIAL USE ONLY

The foregoing Claim of Exemption has been approved.

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

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

Date:

_____ [Name and title] _____

COUNTY SUBDIVISION REGULATIONS APPLICATION FOR PRELIMINARY PLAT APPROVAL

INSTRUCTIONS

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

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number _____

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

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

- Signature _____ Date _____

SUBDIVISION INFORMATION

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

PRELIMINARY PLAT APPLICATION - PAGE TWO

SUPPLEMENTAL INFORMATION

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

PROCEDURAL INFORMATION (to be completed by County Staff)

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

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

INSTRUCTIONS

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

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 _____

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

- Signature _____ Date _____

SUPPLEMENTAL INFORMATION

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

FINAL PLAT APPLICATION - PAGE TWO

PROCEDURAL INFORMATION (To be completed by County staff)

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

**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 [appropriate county staff member] by the subdivider or a designated agent and shall be in compliance with the requirements of the County Subdivision Regulations. Each application must be accompanied by the required administrative fee.

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number _____

Signature _____ Date _____

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

Signature _____ Date _____

SUBDIVISION INFORMATION

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

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

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

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

7. County Zoning Classification: _____

SUPPLEMENTAL INFORMATION

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

PROCEDURAL INFORMATION (To be completed by County Staff)

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

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 [appropriate county staff member] by the subdivider or a designated agent and shall be in compliance with the requirements of the County Subdivision Regulations. Each application must be accompanied by the required administrative fee.

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number _____

Signature _____

Date _____

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

Signature _____

Date _____

SUBDIVISION INFORMATION

3. Name of Subdivision _____

4. Reason for Variance (brief description) _____

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

PROCEDURAL INFORMATION (To be completed by County Staff)

6. Date application received by County _____ Signed _____

7. Date of public hearing _____

8. Date of variance approval by County _____

COUNTY SUBDIVISION REGULATIONS NOTICE OF APPEAL

INSTRUCTIONS

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

APPELLANT INFORMATION

1. Name, Address, and Phone Number _____

 Signature _____ Date _____

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

Signature _____ Date _____
NATURE OF APPEAL

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

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

PROCEDURAL INFORMATION (To be completed by County Staff)

5. Date of action being appealed _____

6. Date Notice of Appeal received by County _____ Signed _____

7. Date of decision regarding appeal by Board of County Commissioners _____

LIQUID WASTE PLAN

A. Any person seeking approval of a subdivision plat shall submit a liquid waste plan to the County for either a community or individual liquid waste (sewer) system.

B. Requirements for Community Sewage Waste System:

1. The subdivider shall provide a schedule for the staged design and construction of community systems . Prior to the construction of any stage, the plan and specifications must be prepared by a New Mexico professional engineer in compliance with all applicable Water Quality Control Commission regulations in effect at the time of filing the plat for final approval or such later standards as may be promulgated by appropriate authorities and submitted to the County prior to construction.
2. A statement of the procedure or provisions for connection to a central system by a purchaser or lessee.
3. Provisions, if any, for the operation, maintenance and expansion of the community system to meet the growth in population of the subdivision in a manner consistent with the approval staged plan.

C. Submittals for Community Systems:

1. A legal description, map or plans showing the location of all construction, easements and rights of way necessary for the installation of the community liquid waste treatment system .
2. The projected effluent of the subdivision based upon water consumption of 140 gallons per day residential dwelling unit, unless the disclosure statement provides a higher usage.
3. If, in the County's determination, the subdivider does not have adequate financial resources to complete the construction of a community liquid waste system which he intends to install, the County may require the subdivider to provide a corporate bond, performance bond or other undertaking satisfactory to the County in the amount of the estimated cost of construction of the system in accordance with the staged design and construction.

D. Requirements for Individual Liquid Waste Disposal Systems:

1. Individual liquid waste disposal systems and privies may not be approved by the County for use within a subdivision;
 - a. Unless they are to be located so as not to potentially pollute any drinking water supply, water course, or other body of water;
 - b. Unless they are to be located so as not to potentially pollute any recreational resources;
 - c. If they will create a nuisance;
 - d. If they are to be located in areas where there is evidence that similar individual systems have caused significant groundwater contamination or high nutrient levels in any body of water.
2. Individual liquid waste disposal systems may not be approved by the County for use within a subdivision unless they will be located in conformance with the following minimum distance requirements:
 - a. The distance between a well and an absorption field used as part of an individual liquid waste disposal system must be no less than 100 feet.
 - b. The distance between a well or body of water used as a public water supply and an absorption field used as a part of an individual liquid waste disposal system must be no less than 200 feet.
3. Privies may be approved by the County for use within a subdivision if the subdivider demonstrates to the satisfaction of the county in consultation with the NM Environment Department that they will be located and operated in a manner which will not potentially contaminate any drinking water supply, potentially pollute any body of water, create a nuisance or cause a potential danger to public health.
4. Individual liquid waste disposal systems may not be approved by the County for use within a subdivision characterized by severe limitations, as described in Table A. In addition, individual liquid waste disposal systems shall not be approved for use within a subdivision where a percolation rate of less than six minutes per inch and a seasonal high water table of less than ten feet exist together.

TABLE A - Limitations to the use of Individual Liquid Waste Disposal Systems Presented by Natural Conditions.

Natural Conditions	Slight to Moderate Limitations	Severe to Very Severe Limitations
Soil Depth (Depth to bedrock) in feet	More than 4 feet	Less than 4 feet
Percolation rate (rate of percolation of water into soil in minutes per inch)	Less than 60 minutes/inch	More than 60 minutes/inch
Seasonal Water Tables (Depth to shallowest water during the year in feet)	More than 12 feet	Less than 12 feet
Slope (Percentage incline of the land surface)	Less than 30%	More than 30%
Flooding Potential at the site of in- dividual sytems (Frequency in years)	No more than 1 year in 25 years	More than 1 year in 25 years

TABLE B - Permitted Minimum Lot Sizes related to the Provision of Community water and/or Community Sewer Systems and Limitations to the Use of Individual Liquid Waste Disposal Systems.

Combination of Water and Sewer Systems	Slight to Moderate Limitations	Severe to Very Severe Limitations
Community Water and Community Sewer	No Limit	No Limit
*Community Water and Individual Sewage System	.50 acres	No on site sewage disposal
On site Water and Individual Sewage System	1.00 acres E-3	No on site sewage disposal

5. Individual liquid water disposal systems may be approved by the County for use within a subdivision if the parcels on which they will be used conform to the minimum lot sizes required in Table B.

E. Submittals for individual Liquid Waste Disposal systems:

1. A copy of the subdivider's disclosure statement relating to liquid waste disposal;
2. A map showing the location of all existing wells, arroyos, drainage areas and bodies of water within the proposed subdivision and within 300 feet of the proposed subdivision boundary;
3. The general soil depth throughout the area of the proposed subdivision;

* See Section F for open space considerations.

4. Soil Classification, or percolation tests, or both. Not more than one test of each 10 acres when septic tank type individual systems are proposed except where a combination of septic tanks and aerobic treatment units or evapotranspiration systems are proposed based on the actual site's condition;
5. The approximate depth to seasonal high water table.
6. The topography of the ground within the proposed subdivision;
7. The expected flood frequency of areas within the proposed subdivision.
8. A detailed description of the kind of individual liquid waste disposal systems that is to be used by the occupants of the subdivision.

F. Individual systems with subsequent connections to a community system may be permitted by the Board of County Commissioners when deemed appropriate if adequate guarantees are provided that the community system will be constructed at the time specified in the subdivider's disclosure statement and if adequate guarantees are provided that all persons using individual systems will connect to the community system when it is completed.

G. Whenever open spaces and green belt areas reduce the overall density of a subdivision in excess of 5%, the open spaces and green belt areas may be considered as contributing the area shown in table B in direct relationship to the number of lots involved.

APPENDIX F SOLID WASTE MANAGEMENT PLAN

A. Requirements for all Solid Waste Management Proposals:

1. The amount of land to be set aside or obtained for a disposal site shall be determined according to the monograph in this Appendix. The population number to be used in the monograph shall be established by calculating the greatest population projection for the subdivision based upon four persons per household.
2. A subdivision improvements agreement guaranteeing:
 - a. The construction and operation of any solid waste collection and disposal service required as shown in the final plat documents and plans.
 - b. Involvement as prescribed by a Homeowners Association or Solid Waste Association.
3. The collection of solid waste shall be a once-weekly service and the transportation of solid waste in subdivisions with a population of over 1,500 person, shall be in leakproof, covered vehicles.
4. The subdivider must provide for a modified landfill operation at the disposal site at the time of first occupancy in the subdivision, or statement of approval for use of an existing landfill. The modified landfill operation must meet the following criteria:
 - a. Fencing to preclude large animal entry
 - b. A gate or cattle guard at the entrance
 - c. Adequate methods to prevent uncontrolled blowing of solid waste
 - d. Trench for deposit of refuse, the bottom of which is at least 10 feet above the ground water level at all times
 - e. A separate trench for dead animal disposal
 - f. Adequate measures which preclude entrance of runoff water into the fill site
 - g. Signs for location of the fill site and deposition instructions
 - h. Covering of refuse with a least six inches of soil at least once each two weeks from April 1 through October 31, with a final cover of least two feet when a section of the fill is completed except when the population of the subdivision reaches 3,000 or more persons, the covering of solid waste after compaction with a least six inches of soil will take place each day with a final cover of a least two feet when a section of fill is completed.

- i. Adequate plan of management, including a delineation of official responsibility
 - j. The capability to prevent and readily extinguish fires
 - k. Daily cleanup of the disposal area to place any blown or spilled solid waste into fill.
 - l. An individual on duty at the disposal site at all times when it is open for solid waste, deposition: When the population using the disposal site reaches 3,000 people.
 - m. No scavenging
 - n. Permeability rates and depth to bedrock must meet NM Environment Department Regulations.
- B. Submittals for all Solid Waste Management Proposals:
- 1. A legal description or map of the solid waste disposal site
 - 2. The equipment which will be used for the collection and disposal of solid waste and state the periods of operation of the equipment
 - 3. The number of individuals to be devoted to collection and disposal
 - 4. The approximate distance from the surface of disposal site to the high water table
 - 5. The access from the subdivision to the disposal site
 - 6. The projected population for the subdivision based on four persons per household.
- C. If in the County's determination the subdivider does not have adequate financial resources to assume the acquisition of a site and adequate construction of a solid waste disposal area to fulfill the foregoing requirements, the county may require the subdivider to provide a corporate bond, performance bond or other undertaking satisfactory to the County in the amount of the estimated cost of such site acquisition and construction.

APPENDIX G

WATER AVAILABILITY PROPOSAL

- A. Any person seeking approval of a subdivision plat for a Type I or a Type 2 subdivision must submit a water availability plan for a community water system.
- B. Requirements for community water system:
1. The subdivider shall provide water from existing or proposed water supply systems of domestic use, Fire Protection, and any other use that the subdivider proposes, other use defined as use for Industry, Commerce, Parks, Ponds, and Fountains.
 - a. The requirements for fire flow shall conform with standards set forth by the Insurance Services Office.
 - b. If the Insurance Services Guidelines for fire flow are inappropriate for certain situations, the subdivider can request a variance based on a design which utilizes good engineering judgement.
 2. The subdivider shall provide for the completion of the proposed water supply system in accordance with applicable minimum design standards of the New Mexico Environment Department, and the Construction Industries Commission, in effect at the time of filing an application for final plat approval, or such later standards as may be promulgated by appropriate authority. These plans shall be submitted to the County prior to commencement of construction.
 3. The subdivider shall submit evidence that there is water available for the parcels delineated in the plat. In application of this standard, the County deems the following to be an adequate supply of water for metered services:
 - (a) Motel-Hotel-Inn Use:
 - 125 gallons per day per rental unit.
 - An average annual occupancy rate of 70% shall be used to compute total annual usage.
 - (b) Dwelling Units
 - 80 gallons per day per person based upon 4 persons per dwelling unit; provided, that if the proposed subdivision will be operated under a private club resort concept offering year-round outdoor recreational facilities an average annual occupancy

rate of 40% shall be used to compute total annual usage. High use commercial units to be considered on an individual bases.

(c) Commercial Units

As determined by Appendix I of the Uniform Plumbing Code used by the State of New Mexico shall be used to determine the arbitrary flow.

- (4) If in the County's determination the subdivider does not have adequate financial resources to acquire the necessary water rights or rights to water to fulfill the foregoing conditions, the County may require the subdivider to provide a corporate bond, performance bond or other undertaking satisfactory to the Commissioners in the amount of the estimated cost of acquiring the necessary water rights or construction of the community water system or both.

C. Submittals for Community Water System. The following shall be prepared by or under the supervision of a New Mexico registered professional engineer: and the water plan must be adequate for all use of water within the subdivision at full development for a period of at least forty (40) years. Community water system plans must be reviewed and approved by district engineer within the NMED.

- (1) Plans and specifications for diversion storage, and distribution facilities, and a time schedule for their completion or staged completion. This information shall be required prior to the actual construction of the system, but not prior to recordation of the plat.
- (2) Information showing the volume and peak rate of production of water required in each month to supply the full development of the subdivision based upon the water standards set forth in paragraph B 3 above.
- (3) A geohydrologic report, if part or all of the supply is to be obtained from ground-water sources, is required and must contain the following information.

- (a) Geologic maps, cross-sections and descriptions of the aquifer system proposed for production, including information concerning the hydrogeologic boundaries, intake areas and locations of discharge of those aquifers;
 - (b) Maps and cross-sections showing the depth to water, water level contours, direction of ground-water movement and the aquifers;
 - (c) Probable yields of proposed wells (in gallons per minute and acre-feet per year, and probable length of time that the aquifer system will produce water at rates sufficient to meet demands of the subdivision shall be based on pump test analysis, hydrogeologic boundaries, aquifer leakage and historic water -level changes, logs and yields of existing wells considering relative locations and include a forty (40) year schedule of the effects of the protected water water withdrawals for the subdivision on water levels and natural discharge.
- (4) A hydrologic report, if part or all of the supply is to be obtained from surface-water sources, containing the following information:
- (a) Source of water supply proposed for use;
 - (b) Drainage area above the point of diversion;
 - (c) Analysis of relevant historical runoff records if any are available;
 - (d) Projected water supply available for the subdivision requirements:

D. The subdividers's disclosure statement shall include the following information:

- (1) The minimum daily quantity of water to be provided for each parcel and each use proposed in the disclosure statement:
- (2) The time at which water will be made available at each parcel, if needed, and for each use proposed in the disclosure statement:
- (3) Whether or not the prospective purchaser or lessee will be required to pay for extension of the water system to his parcel, if he desires water prior to the date scheduled.
- (4) A description of the means of water delivery.

E. Submittals and requirement for individual water systems:

- (1) The water supply for proposed used, if any, other than domestic uses, shall be provided by the subdivider. Domestic water supply may be provided by either the subdivider or the purchaser or lessee of each parcel. The approximate cost and whether the responsibility lies with the purchaser or lessee or with the subdivider shall be clearly set forth in the disclosure statement. The Provisions of Secion B shall apply.
- (2) If the water supply is to be provided by the purchaser or lessee of each parcel, a report by the subdivider shall be prepared containing the following information:
 - (a) Possible sources of water supply proposed for use.
 - (b) Analysis of relevant historical runoff records, if any are available:
 - (c) Projected water supply available for the subdivision requirements:

- (d) If prospective owners are required to provide their own wells to obtain water:
- (i) estimated average, maximum and minimum depth to water in the subdivision if water is available only from subterranean sources:
 - (ii) estimated total depth of well:
 - (iii) estimated yield in gallons per minute of wells completed to estimated total depths.
 - (iv) Domestic wells provide copies of of existing wells logs from surrounding properties and any large Non-domestic wells within a one-half mile radius of the subdivision.
 - (v) recommended pump settings and size: and
 - (vi) lithologic character of formations through which wells are to be completed.
- (e) Describe the means of water delivery, if any, within the subdivision;
- (f) Report of the proposed use of water, if any within the subdivision.
- (g) A report describing the quality of water for then proposed use, if any, within the subdivision and the maximum allowable water quality parameter that has been exceeded, if any and the name of the element, compound, or standard that has exceeded that parameter.

- (h) A fire protection plan approved by the State Fire Marshal shall be submitted. The Board of County Commissioners may require the report detailed above (B-3) be prepared by or under the supervision of a professional engineer registered in the State of New Mexico. If a community water system is provided.
- 3. The Commissioners may require the preparation and submittal of a geohydrologic report or hydrologic report in accordance with the requirements of paragraph C, 3 and 4 above, in connection with an individual well system. If after review of the plat and prior to final approval the Commission requires either of the foregoing reports to be prepared and submitted by the subdivider, the application for plat approval shall be deemed incomplete until a proper report has been submitted.

APPENDIX H

- A. Any person seeking approval of a subdivision plat and proposing to provide for the use of a water supply system or proposing use of individual wells to supply water, shall submit a water quality proposal to the County.
- B. Requirements:
- (1) The water supply system to be constructed by the subdivider, if any, shall not be approved by the Commission unless it appears that the quality of water shall comply with Part II of the N.M. Water Supply Regulations.
 - (2) The maximum allowable limits contained in Part II of the N. M. Water Supply Regulations may be exceeded if the subdivider demonstrates to the satisfaction of the NM Environment Department that alternative water supply sources are not reasonably available and that treatment of the water supply to bring it within the maximum allowable limits is not feasible and public health will not be endangered. However, the subdivider must state in his disclosure statement which limits are being exceeded.
- C. Submittals: A minimum water quality analysis, together with the identity of the person who prepared the analysis and description of the methods used, of concentrations of characteristics of the following parameters: sodium calcium, magnesium, iron, manganese, chloride, fluoride, nitrate, bicarbonate, carbonate, sulfates, total hardness, alkalinity, surfactants, ph, order, color, turbidity, conductance and total dissolved solids and compliance with the 1962 U.S. Public Health Drinking Water Standards.

APPENDIX I
WATER SYSTEM PROPOSALS

A. A Class I water system may not be approved unless the water supply source will be located:

- (1) A safe distance from any contaminant source;
- (2) At least 200 feet from liquid waste disposal site of less than 1,000 gallons per day;
- (3) At least 300 feet from a liquid waste disposal site of more than 1,000 gallons per day;
- (4) At least 150 feet from non-leakproof wastewater lines;
- (5) At least 25 feet from wastewater lines which are leakproof
- (6) At least 75 feet from a perennial stream;
- (7) At least 200 feet from other contamination sources such as land fills, stock yards and animal feed lots.

B. A Class II supply water system may not be approved unless the water supply source will be located:

- (1) A safe distance from any contaminant source;
- (2) At least 100 feet from liquid waste disposal of less than 1,000 gallons per day;
- (3) At least 200 feet from non-leakproof wastewater lines carrying less than 1,000 gallons per day;
- (4) At least 75 feet from non-leakproof wastewater lines carrying less than 1,000 gallons per day;
- (5) At least 100 feet from non-leakproof wastewater lines carrying more than 1,000 gallons per day;

- (6) At least 25 feet from leakproof wastewater lines;
 - (7) At least 75 feet from perennial streams;
 - (8) At least 200 feet from other contamination sources, such as land fills, stock yards and animal feed lots.
- C. A Class I water supply system shall be treated for proper disinfection in accordance with NM Environment Department standards.

APPENDIX J

ROAD CONSTRUCTION PLAN

- A. All Roads will be designed and platted by a professional engineer registered in the State of New Mexico, and constructed to comply with the following County specifications;

Classification	Minimum Right of Way	Maximum Surface	Maximum Grade
Highways	*	*	*
Arterials	100'	24'	8%
Collector Streets	80'	24'	10%
Local Streets	60'	24'	15%
Emergency Trails	15'	No limit	No limit

Provided, however, a maximum grade of 15% for a distance of 1,000 feet, or a greater distance approved by the County, will be permitted if there is an alternate route or emergency trail provided in the event of snowy or icy conditions.

- B. The minimum acceptable standard for surfacing shall be a four-inch compacted thickness of reasonably well graded pit run aggregate 100% passing a two-inch screen and having a placidity index of less than 15. Prior to the placement of the surface material the top six inches of the subgrade shall be compacted to a density of 90 % in accordance with ASSHTO Specification 199-61. The surface material shall be compacted to a density of 95% in accordance with AASHTO Specification 199-61. Asphalt chip and seal surfacing will be acceptable in lieu of the aggregated surfacing specified above and may be used to fulfill the minimum surfacing requirements at the subdivider's option. Prior to the construction of roads, the subdivider shall prepare road plans showing existing ground profile, proposed grades, typical road cross-section and size, type and location of culverts and other elements of road drainage.

APPENDIX J

- C. Culverts and crossing - The minimum culvert size shall be 24" in diameter. Culvert sizes shall be based on a least a ten-year storm (50 year storm for culverts at the access to State highways). Road overflow sections will be permitted when flow depth does not exceed 12 inches and crossing is well posted.
- D. Driveway entrances - All driveway entrances will be 20' wide with a minimum of a 18" culvert matching the bar ditch line of the road. The driveway will be marked with delineators at 18' width.
- E. If in the County's determination, the subdivider does not have adequate financial resources to construct roads in accordance with the foregoing conditions, the County may require the subdivider to provide a corporate bond, performance bond or other undertaking satisfactory to the County in the amount of the estimated cost of the road construction.
- * As required by the New Mexico State Highway Department.
- F. In the County's discretion it may require the subdivider to provide a 50' setback on either side of a state highway right of way in which no buildings, improvements, signs or other structures may be erected. In addition, in the County's discretion it may require the subdivider to construct a right of way fence within the subdivision and along a right -of -way line of a state highway if any evidence that livestock will be kept within the subdivision and could get into the highway. Where the County requires a right-of-way fence the subdivider shall install cattleguards at access roads to the subdivision. Nothing contained herein shall be constructed to permit the County to require right-of-way fencing where commercial lots front on state highways.