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AN ACT

RELATING TO LOCAL GOVERNMENTS; REQUIRING CERTAIN ELEMENTS IN
COMPREHENSIVE PLANS FOR COUNTIES THAT ADOPT SUBDIVISION
REGULATIONS MORE STRICT THAN THOSE IN THE NEW MEXICO SUBDIVISION
ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 47-6-9 NMSA 1978 (being Laws 1973, Chapter 348,
Section 9, as amended) is amended to read:

"47-6-9. SUBDIVISION REGULATION--COUNTY AUTHORITY.--

A. The board of county commissioners of each county shall regulate
subdivisions within the county's boundaries. In regulating subdivisions, the board of
county commissioners of each county shall adopt regulations setting forth the county's
requirements for:

- (1) preliminary and final subdivision plats, including their
content and format;
- (2) quantifying the maximum annual water requirements of
subdivisions, including water for indoor and outdoor domestic uses;
- (3) assessing water availability to meet the maximum annual
water requirements of subdivisions;
- (4) water conservation measures;
- (5) water of an acceptable quality for human consumption and
for protecting the water supply from contamination;
- (6) liquid waste disposal;
- (7) solid waste disposal;
- (8) legal access to each parcel;
- (9) sufficient and adequate roads to each parcel, including
ingress and egress for emergency vehicles;
- (10) utility easements to each parcel;

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- 1 (11) terrain management;
- 2 (12) phased development;
- 3 (13) protecting cultural properties, archaeological sites and
4 unmarked burials, as required by the Cultural Properties Act;
- 5 (14) specific information to be contained in a subdivider's
6 disclosure statement in addition to that required in Section 47-6-17 NMSA 1978;
- 7 (15) reasonable fees approximating the cost to the county of
8 determining compliance with the New Mexico Subdivision Act and county subdivision
9 regulations while passing upon subdivision plats;
- 10 (16) a summary procedure for reviewing certain type-three and
11 all type-five subdivisions as provided in Section 47-6-11 NMSA 1978;
- 12 (17) recording all conveyances of parcels with the county clerk;
- 13 (18) financial security to assure the completion of all
14 improvements that the subdivider proposes to build or to maintain;
- 15 (19) fencing subdivided land, where appropriate, in conformity
16 with Section 77-16-1 NMSA 1978, which places the duty on the purchaser, lessee or
17 other person acquiring an interest in the subdivided land to fence out livestock; and
- 18 (20) any other matter relating to subdivisions that the board of
19 county commissioners feels is necessary to promote health, safety or the general
20 welfare.

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

24 C. Nothing in the New Mexico Subdivision Act shall be construed to
25 limit the authority of counties to adopt subdivision regulations with requirements that
are more stringent than the requirements set forth in the New Mexico Subdivision Act,
provided that:

- (1) the county has adopted a comprehensive plan in
accordance with Section 3-21-5 NMSA 1978;

1 (2) the comprehensive plan contains goals, objectives and
2 policies that identify and explain the need for requirements that are more stringent;
3 and

4 (3) the more stringent regulations are specifically identified in
5 the comprehensive plan."

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