

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1073

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO WATER; ADDING THE STATE ENGINEER'S ASSESSMENT OF
WATER AVAILABILITY TO A COUNTY'S ASSESSMENT OF REQUIREMENTS FOR
SUBDIVISIONS.

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;

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underscored material = new
[bracketed material] = delete

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

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

6 (4) assessing water availability to meet the
7 maximum annual water requirements of subdivisions in critical
8 management areas as designated by the office of the state
9 engineer;

10 [~~4~~] (5) water conservation measures;

11 [~~5~~] (6) water of an acceptable quality for
12 human consumption and for protecting the water supply from
13 contamination;

14 [~~6~~] (7) liquid waste disposal;

15 [~~7~~] (8) solid waste disposal;

16 [~~8~~] (9) legal access to each parcel;

17 [~~9~~] (10) sufficient and adequate roads to
18 each parcel, including ingress and egress for emergency
19 vehicles;

20 [~~10~~] (11) utility easements to each parcel;

21 [~~11~~] (12) terrain management;

22 [~~12~~] (13) phased development;

23 [~~13~~] (14) protecting cultural properties,
24 archaeological sites and unmarked burials, as required by the
25 Cultural Properties Act;

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1 ~~[(14)]~~ (15) specific information to be
2 contained in a subdivider's disclosure statement in addition to
3 that required in Section 47-6-17 NMSA 1978;

4 ~~[(15)]~~ (16) reasonable fees approximating the
5 cost to the county of determining compliance with the New
6 Mexico Subdivision Act and county subdivision regulations while
7 passing upon subdivision plats;

8 ~~[(16)]~~ (17) a summary procedure for reviewing
9 certain type-three and all type-five subdivisions as provided
10 in Section 47-6-11 NMSA 1978;

11 ~~[(17)]~~ (18) recording all conveyances of
12 parcels with the county clerk;

13 ~~[(18)]~~ (19) financial security to assure the
14 completion of all improvements that the subdivider proposes to
15 build or to maintain;

16 ~~[(19)]~~ (20) fencing subdivided land, where
17 appropriate, in conformity with Section 77-16-1 NMSA 1978,
18 which places the duty on the purchaser, lessee or other person
19 acquiring an interest in the subdivided land to fence out
20 livestock; and

21 ~~[(20)]~~ (21) any other matter relating to
22 subdivisions that the board of county commissioners feels is
23 necessary to promote health, safety or the general welfare.

24 B. Subsection A of this section does not preempt
25 the authority of any state agency to regulate or perform any

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1 activity that it is required or authorized by law to perform.

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

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

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

12 (3) the more stringent regulations are
13 specifically identified in the comprehensive plan.

14 D. As used in this section, "critical management
15 area" means a bounded area specifically described by section,
16 township and range, or by other land survey descriptions,
17 that requires special water resource protection because:

18 (1) water resources may be inadequate to
19 sustain well production as evidenced by water level decline
20 rates and available aquifer thickness; or

21 (2) additional depletions are shown to
22 affect interstate compact delivery requirements."