

Subdivision Supplement

SUBDIVISION REVIEWS [Chapter 47, Article 6, Sections 1 – 29 NMSA]

State Law, Chapter 47, Article 6, Sections 1-29 NMSA defines the authorities, responsibilities and procedures for subdivision reviews regarding terrain management.

County Authority [47-6-9 NMSA]

- In regulating subdivisions, the **board of county commissioners** of each county **shall adopt regulations** setting forth the county's requirements for terrain management.

SWCD Responsibilities [47-6-10 NMSA]

- Prior to adopting, amending or repealing any regulation, the board of county commissioners **shall consult with representatives of all SWCD's within the county**, about the subjects within their respective expertise for which the board of county commissioners is considering promulgating a regulation. The representatives of each of the SWCD's **shall submit written guidelines to the board of county commissioners** for its consideration in formulating regulations.
- The guidelines shall be given consideration by the board of county commissioners in the formulation of the county's subdivision regulations, shall become a part of the public record and may be in such detail as the agency involved desires.
- The board of county commissioners shall give all SWCD's within the county **thirty days' notice of its regulation hearings**.



SWCD Duties [47-6-10 NMSA] Click on the link [Subdivision Review Details](#).

Definitions [46-7-2 NMSA]

- "**Preliminary Plat**" means a map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it and need not be based upon an accurate and detailed survey of the land.

- "**Subdivision**" means the 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.
- "**Terrain Management**" means the control of floods, drainage and erosion and measures required for **adapting proposed development** to existing soil characteristics and topography.
- "**SWCD**" means the Soil and Water Conservation District in which the subdivision is located.

Preliminary Plat Approval [\[47-6-11 NMSA\]](#)

- The board of county commissioners shall, within ten days after the preliminary plat is deemed complete, request opinions from the SWCD to determine whether the sub-divider can furnish terrain management sufficient to **protect against flooding, inadequate drainage and erosion and whether the sub-divider can fulfill the proposals contained in the sub-divider's disclosure statement concerning terrain management.**

Since there are few soil and water conservation districts that are heavily involved in Subdivision Reviews, many of the specific details pertinent to these reviews are linked in [Subdivision Review Details](#).

These details include more information regarding the following topics:

- SWCD Duties
- Preliminary Plat Approval
- Disclosure [\[46-6-17 NMSA\]](#)
- Time Limit [\[46-6-22 NMSA\]](#)
- Criminal Penalties [\[46-6-27 NMSA\]](#)