

SUBDIVISION REVIEW DETAILS [\[Chapter 47, Article 6, Sections 1 – 29 NMSA\]](#)

State Law, Chapter 47, Article 6, Sections 1-29 NMSA

The details provided in this link give more in-depth details for those soil and water conservation districts who are involved with subdivision reviews on a regular, on-going basis.

SWCD Duties [\[47-6-10 NMSA\]](#)

Representatives from all SWCD's within the county shall be given the opportunity to make an oral statement at the hearing and to enter into the record of the hearing a written statement setting forth any comments that they may have about the proposed regulation, whether favorable or unfavorable, **when the proposed regulation relates to an issue that is within the agencies' respective areas of expertise.**

- A regulation is **not invalid** because of the failure of an SWCD to submit a guideline prior to the promulgation of the regulation or because the representative of an SWCD did not appear at a public hearing on the regulation or did not make any comment for entry in the hearing record.

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

- If, in the opinion of the SWCD a subdivider can fulfill the requirements of the county subdivision regulations, the board of county commissioners shall weigh these opinions in determining whether to approve the preliminary plat at a public hearing.
- If, in the opinion of the SWCD a subdivider cannot fulfill the requirements set forth in the county subdivision regulations, or if the SWCD does not have sufficient information upon which to base an opinion on any one of these subjects, the subdivider shall be notified of this fact by the board of county commissioners.
- If the SWCD has rendered an adverse opinion, the board of county commissioners shall give the subdivider a copy of the opinion.
- The subdivider shall be given thirty days from the date of notification to submit additional information to the SWCD through the board of county commissioners.
- The SWCD shall have thirty days from the date the subdivider submits additional information to change its opinion or issue a favorable opinion when it has withheld one because of insufficient information. Where the SWCD has rendered an adverse opinion,

the subdivider has the burden of showing that the adverse opinion is incorrect either as to factual or legal matters.

Disclosure [\[46-6-17 NMSA\]](#)

The disclosure statement for all subdivisions **shall contain a description of the subdivider's provisions for terrain management.**

Public Agency Information Requirement [\[46-6-20 NMSA\]](#)

- Any SWCD receiving a request from the board of county commissioners for an opinion **shall furnish the board with the requested opinion within thirty days.**
- The board of county commissioners shall furnish the SWCD with all relevant information that the board has received from the subdivider on the subject for which the board is seeking an opinion.
- If the SWCD does not have sufficient information upon which to base an opinion, **the SWCD shall notify the board of this fact.**

Time Limit [\[46-6-22 NMSA\]](#)

All opinions required of the SWCD shall be furnished to the board of county commissioners **within thirty days** after the SWCD receives the written request and accompanying information from the board of county commissioners.

- The failure of an SWCD to provide an opinion when requested by the board of county commissioners **does not indicate** that the subdivider's provisions concerning the subject of the opinion request were acceptable or unacceptable or adequate or inadequate.

Criminal Penalties [\[46-6-27 NMSA\]](#)

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.

- 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 months, or both.