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SENATE BILL 315

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Bill B. O'Neill

AN ACT

RELATING TO PLANNING; ALLOWING FOR A MUNICIPAL OR COUNTY
COMPREHENSIVE PLAN; CLARIFYING THE ROLE OF A PLANNING
COMMISSION; AMENDING, REPEALING AND ENACTING SECTIONS OF THE
NMSA 1978.

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

SECTION 1. Section 3-19-1 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-18-1) is amended to read:

"3-19-1. CREATION OF PLANNING COMMISSION.--A municipality
is a planning authority and may:

A. by ordinance:

~~[A.]~~ (1) establish a planning commission;

~~[B.]~~ (2) delegate to the planning commission:

~~[1.]~~ (a) the power, authority,

jurisdiction and duty to enforce and carry out the provisions

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1 of law relating to planning, platting and zoning; and
2 [~~(2)~~] (b) other power, authority,
3 jurisdiction and duty incidental and necessary to carry out the
4 purpose of [~~Sections 14-18-1 through 14-18-12 New Mexico~~
5 ~~Statutes Annotated, 1953 Compilation~~] Chapter 3, Article 19
6 NMSA 1978; and

7 [~~G.~~] (3) retain [~~to the governing body~~] as
8 much of this power, authority, jurisdiction and duty as it
9 desires; and

10 [~~D.~~] B. by resolution, adopt, amend, extend and
11 carry out a [~~general municipal or master plan which may be~~
12 ~~referred to as the general or master~~] comprehensive plan."

13 SECTION 2. Section 3-19-4 NMSA 1978 (being Laws 1965,
14 Chapter 300, Section 14-18-4) is amended to read:

15 "3-19-4. POWERS OF COMMISSION.--

16 A. A planning commission shall have such powers as
17 are necessary to:

- 18 (1) fulfill and perform its functions;
- 19 (2) promote municipal planning; and
- 20 (3) carry out the purposes of [~~Sections~~
21 ~~14-18-1 through 14-18-12 New Mexico Statutes Annotated, 1953~~
22 ~~Compilation~~] Chapter 3, Article 19 NMSA 1978.

23 B. A planning commission may:

- 24 (1) make reports and recommendations for the
25 planning and development of the municipality to:

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- 1 (a) public officials and agencies;
2 (b) public utility companies;
3 (c) civic, educational, professional and
4 other organizations; and
5 (d) citizens; and

6 (2) recommend to the administrative and
7 governing officials of the municipality programs for public
8 improvements and their financing.

9 C. Members and employees of the planning
10 commission, in the performance of its function, may:

- 11 (1) enter upon any land;
12 (2) make examinations and surveys; and
13 (3) place and maintain necessary monuments and
14 markers upon the land.

15 D. Upon request, a public official shall furnish
16 within a reasonable time available information [~~which~~] that the
17 planning commission requires for its work."

18 **SECTION 3.** Section 3-19-6 NMSA 1978 (being Laws 1965,
19 Chapter 300, Section 14-18-6, as amended) is amended to read:

20 "3-19-6. SUBDIVISION REGULATIONS.--

21 A. The planning authority of a municipality shall
22 adopt regulations governing the subdivision of land within the
23 planning and platting jurisdiction of the municipality. The
24 subdivision regulations shall be approved by the governing body
25 before they become effective. The subdivision regulations may

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1 provide for:

2 (1) the harmonious development of the
3 municipality and its environs;

4 (2) the coordination of streets within the
5 subdivision with existing or planned streets or other features
6 of the [~~master~~] comprehensive plan [~~or official map~~] of the
7 municipality;

8 (3) adequate open space for traffic,
9 recreation, drainage, light and air; and

10 (4) the distribution of population and traffic
11 [~~which tend~~] that tends to create conditions favorable to the
12 health, safety, convenience, prosperity or general welfare of
13 the residents of the municipality.

14 B. Subdivision regulations may govern:

15 (1) the width of streets;

16 (2) the width, depth and arrangement of lots;

17 (3) land use, including natural drainage;

18 (4) other matters necessary to carry out the
19 purposes of the Municipal Code; and

20 (5) the extent and manner in which:

21 (a) streets are graded and improved; and

22 (b) water, sewer and other utility

23 facilities are installed as a condition precedent to the

24 approval of a plat.

25 C. The subdivision regulations or the practice of

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1 the planning commission may allow [~~tentative~~] preliminary
2 approval of the plat previous to the completion of improvements
3 and the installation of utility facilities, but such
4 [~~tentative~~] preliminary approval shall not be entered on a
5 plat. In lieu of the completion of improvements and the
6 installation of utility facilities previous to the final
7 approval of a plat, the subdivision regulations may provide
8 for:

9 (1) assessment or other methods whereby the
10 municipality makes the improvements and installations at the
11 cost of the owner of property within the subdivision; [~~or~~]

12 (2) acceptance of a bond, in an amount and
13 with surety and conditions satisfactory to the planning
14 commission, securing to the municipality the actual
15 construction and installation of improvements and utility
16 facilities within a period of time specified by the planning
17 commission and expressed in the bond. A municipality may
18 enforce such a bond by all appropriate and legal remedies; or

19 (3) in lieu of a bond, [~~the municipality may~~
20 ~~enter into~~] an agreement [~~with~~] between the municipality and a
21 person seeking approval of a subdivision whereby the person
22 seeking approval shall, within two years following final
23 approval of the plat, complete the improvements and the
24 installation of utility facilities provided for in the person's
25 application for subdivision approval, except that the agreement

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1 set forth herein may provide that the person seeking approval
2 shall be permitted by the municipality to sell or otherwise
3 dispose of or improve any lot within the subdivision to which
4 improvements and utility facilities have been provided by the
5 person seeking approval at any time within the two-year period.
6 Any such agreement shall be recorded with the county clerk at
7 the time of filing [~~said~~] the plat.

8 D. The governing body or planning commission of the
9 municipality shall hold a public hearing on the adoption of a
10 subdivision regulation or an amendment to it. Notice of the
11 time and place of the public hearing shall be published once at
12 least fifteen days prior to the date of the public hearing.

13 E. If the requirement or restriction does not
14 violate the zoning ordinance, the governing body or planning
15 commission of the municipality may agree with a person seeking
16 approval of a subdivision upon the use, height, area or bulk
17 requirement or restriction governing buildings and premises
18 within the subdivision. The requirement or restriction shall:

19 (1) accompany the plat before it is approved
20 and recorded;

21 (2) have the force of law;

22 (3) be enforced; and

23 (4) be subject to amendment or repeal as the
24 provisions of the zoning ordinance and map are enforced,
25 amended or repealed."

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1 SECTION 4. Section 3-19-11 NMSA 1978 (being Laws 1965,
2 Chapter 300, Section 14-18-11, as amended) is amended to read:

3 "3-19-11. LEGAL STATUS OF [~~MASTER~~] A COMPREHENSIVE
4 PLAN.--

5 A. After a [~~master~~] comprehensive plan or any part
6 thereof has been approved and within the area of the [~~master~~]
7 comprehensive plan or any part thereof so approved, the
8 approval of the planning commission or governing body is
9 necessary to construct, authorize, accept, widen, narrow,
10 remove, extend, relocate, vacate, abandon, acquire or change
11 the use of any:

12 (1) park, street or other public way, ground,
13 place or space;

14 (2) public building or structure; or

15 (3) utility, whether publicly or privately
16 owned.

17 B. The failure of the planning commission to act
18 within sixty-five days after the submission of a proposal to it
19 constitutes approval of the proposal unless the proponent
20 agrees to an extension of time. If the planning commission
21 disapproves a proposal, it must state its reasons to the
22 governing body. The governing body may overrule the planning
23 commission and approve the proposal by a [~~two-thirds~~] two-
24 thirds', vote of all its members.

25 C. None of the provisions of Chapter 3, Article 19

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1 NMSA 1978 shall apply to any existing building, structure,
2 plant or other equipment owned or used by any public utility or
3 the right to its continued use or its reasonable repair or
4 alteration for the purpose for which it was used at the time
5 the ~~[master]~~ comprehensive plan or any part thereof affecting
6 the property takes effect. After the adoption of the ~~[master]~~
7 comprehensive plan or any part thereof affecting the property,
8 all extensions, betterments or additions to buildings,
9 structures, plants or other equipment of any public utility
10 shall be made in conformity with the ~~[master]~~ comprehensive
11 plan or any part thereof affecting the property and upon the
12 approval of the ~~[planning commission]~~ municipality. After a
13 public hearing, the ~~[state corporation commission or the New~~
14 ~~Mexico public utility]~~ public regulation commission or the
15 regulatory agency having jurisdiction or their successors
16 having jurisdiction, as the case may be, may order that the
17 extensions, betterments or additions to buildings, structures,
18 plants or other equipment are reasonable and that the
19 extensions, betterments or additions may be made even though
20 they conflict with the adopted ~~[master]~~ comprehensive plan or
21 any part thereof affecting the property.

22 D. Any public agency or official that is not under
23 the jurisdiction of the governing body of the municipality and
24 that is authorizing or financing a public way, ground, place,
25 space, building, structure or utility shall submit the proposal

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1 to the [~~planning commission~~] municipality. If the [~~planning~~
2 ~~commission~~] municipality disapproves the proposal, the board of
3 the public agency by a two-thirds' vote of all its members or
4 the official may overrule the [~~planning commission~~]
5 municipality and proceed with the proposal subject to the
6 provisions of Subsection C of this section."

7 SECTION 5. A new section of Chapter 3, Article 19 NMSA
8 1978 is enacted to read:

9 "[NEW MATERIAL] COMPREHENSIVE PLAN--ELEMENTS--NOTICE--
10 REVIEW.--

11 A. A comprehensive plan is a plan for the
12 development of land use, infrastructure, public facilities,
13 natural resources and economic development within the
14 jurisdiction of the municipality. A comprehensive plan is
15 developed through a public participation process and
16 establishes the basis for enacting policies, programs and
17 regulations pertaining to the long-term development of the
18 municipality. A comprehensive plan may include the following
19 elements:

- 20 (1) a community profile, including:
21 (a) physical characteristics and
22 regional setting;
23 (b) historical background and cultural
24 resources;
25 (c) population and employment data; and

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- 1 (d) a summary of community input
2 received during the plan development process;
- 3 (2) land use and housing, including:
4 (a) inventory of land use;
5 (b) housing characteristics,
6 affordability and needs; and
7 (c) goals, objectives and policies for
8 land use and housing development;
- 9 (3) transportation, including:
10 (a) roadway and rail networks;
11 (b) aviation facilities;
12 (c) public transit systems;
13 (d) pedestrian walkways and trails;
14 (e) parking availability; and
15 (f) goals, objectives and policies for
16 transportation and circulation in the area;
- 17 (4) water resources, including:
18 (a) surface and ground water resources;
19 (b) water supply systems;
20 (c) wastewater treatment systems;
21 (d) drainage and stormwater management
22 systems;
23 (e) agricultural activities; and
24 (f) goals, objectives and policies for
25 sustainable water resources;

- 1 (5) natural resources, including:
2 (a) geology and geography of the area;
3 (b) park land and open space;
4 (c) local ecosystem sustainability and
5 biodiversity; and
6 (d) goals, objectives and policies to
7 protect and preserve natural resources in the area;
- 8 (6) economic development, including:
9 (a) assessment of the local economy;
10 (b) business and commercial development
11 districts;
12 (c) tourism programs;
13 (d) adult education and work force
14 training; and
15 (e) goals, objectives and policies for
16 promoting local economic development;
- 17 (7) public facilities and services, including:
18 (a) government facilities;
19 (b) community services and programs;
20 (c) educational facilities;
21 (d) health care facilities;
22 (e) telecommunication and utility
23 systems;
24 (f) waste management systems;
25 (g) natural and man-made hazards to the

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1 area;

2 (h) public safety and emergency
3 response; and

4 (i) goals, objectives and policies for
5 public facilities and services; and

6 (8) implementation, including:

7 (a) actions to achieve the goals,
8 objectives and policies stated in the comprehensive plan;

9 (b) priorities and timing of actions;

10 (c) estimated cost of actions; and

11 (d) conformance with related plans,
12 programs and regulations.

13 B. If a governing body of a municipality delegates
14 to a planning commission the authority to carry out the
15 provisions of Chapter 3, Article 19 NMSA 1978 relating to a
16 comprehensive plan, the planning commission shall submit a
17 recommendation on the comprehensive plan to the governing body
18 of the municipality. Before submission of the comprehensive
19 plan, the planning commission shall hold at least one public
20 hearing. Notice of the time and place of the hearing shall be
21 published at least fifteen days before the planning commission
22 submits the recommendation to the governing body of the
23 municipality. Prior to publication of the notice, copies of
24 the comprehensive plan or any part thereof shall be made
25 available to any citizen at the office of the municipal clerk.

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1 C. Before adoption of a comprehensive plan or any
2 part thereof, the governing body of a municipality shall hold
3 at least one public hearing. Notice of the time and place of
4 the hearing shall be published at least fifteen days before the
5 day of the hearing. Prior to the publication of the notice,
6 copies of the comprehensive plan or any part thereof shall be
7 made available to any citizen at the office of the municipal
8 clerk.

9 D. An adopted comprehensive plan provides guidance
10 for the following actions that may be undertaken by the
11 governing body:

12 (1) adopting or amending the zoning ordinance,
13 subdivision regulations, neighborhood or district plans, and
14 other land development regulations;

15 (2) establishing priorities and funding for
16 capital improvement programs and projects; and

17 (3) improving the delivery and efficiency of
18 local government services.

19 E. A comprehensive plan adopted by the municipality
20 shall be reviewed by the governing body of the municipality at
21 least once every five years. If necessary, the comprehensive
22 plan shall be updated to reflect changed circumstances
23 regarding the development of the subject area, subject to the
24 notice and hearing requirements pursuant to Subsection C of
25 this section."

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1 SECTION 6. Section 3-40-1 NMSA 1978 (being Laws 1973,
2 Chapter 395, Section 4) is amended to read:

3 "3-40-1. CEMETERIES--AUTHORIZATION.--

4 A. Subject to the provisions of law relating to the
5 maintaining of cemeteries, a municipality may establish,
6 maintain and regulate a municipal cemetery and may acquire
7 within the planning and platting jurisdiction of the
8 municipality or condemn within the municipality in the manner
9 provided by law any property for cemetery purposes. Any
10 property acquired for cemetery purposes by condemnation shall
11 be acquired at a location that is in compliance with a
12 municipality's ~~master~~ applicable comprehensive plan.

13 B. A municipality may abandon any street within a
14 municipal cemetery, provided that ownership is retained by the
15 municipality and the abandoned street is used for a municipal
16 purpose."

17 SECTION 7. Section 4-57-1 NMSA 1978 (being Laws 1967,
18 Chapter 150, Section 1) is amended to read:

19 "4-57-1. CREATION OF PLANNING COMMISSION.--

20 A. Any county may:
21 (1) by ordinance:
22 (a) establish a planning commission;
23 (b) delegate to the planning commission:
24 1) the power, authority, jurisdiction and duty to enforce and
25 carry out the provisions of law relating to planning, platting

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1 and zoning; and 2) any other power, authority, jurisdiction and
2 duty incidental and necessary to carry out the provisions of
3 Chapter 4, Article 57 NMSA 1978; and

4 (c) retain as much of this power,
5 authority, jurisdiction and duty as it desires; and

6 (2) by resolution adopt, amend, extend and
7 carry out a comprehensive plan.

8 B. A county planning commission shall consist of
9 not less than five [~~5~~] members who shall be appointed by the
10 board of county [commission] commissioners. Administrative
11 officials of the county may be appointed as ex-officio
12 nonvoting members of the planning commission."

13 **SECTION 8.** Section 4-57-2 NMSA 1978 (being Laws 1967,
14 Chapter 150, Section 2) is amended to read:

15 "4-57-2. POWERS AND DUTIES OF COMMISSION.--

16 A. A county planning commission shall have such
17 powers as are necessary and proper to fulfill and perform its
18 functions, carry out the purposes of Chapter 4, Article 57 NMSA
19 1978 and promote county planning. Such planning shall be made
20 with the general purpose of guiding and accomplishing a
21 coordinated, adjusted and harmonious development of the county
22 [~~which~~] that will, in accordance with existing and future
23 needs, best promote health, safety, morals, order, convenience,
24 prosperity or the general welfare, as well as efficiency and
25 economy in the process of development.

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B. A county planning commission may:

(1) make reports and recommendations for the planning and development of the county to any other individual, partnership, firm, public or private corporation, association, trust, estate, political subdivision or agency of the state or any other legal entity or their legal representatives, agents or assigns;

(2) recommend to the administrative and governing officials of the county programs for public improvements and their financing; and

(3) prepare and recommend to the board of county commissioners a comprehensive plan pursuant to Section 9 of this 2013 act."

SECTION 9. A new section of Chapter 4, Article 57 NMSA 1978 is enacted to read:

"[NEW MATERIAL] COMPREHENSIVE PLAN--ELEMENTS--NOTICE--REVIEW.--

A. A comprehensive plan is a plan for the development of land use, infrastructure, public facilities, natural resources and economic development within the jurisdiction of the county. A comprehensive plan is developed through a public participation process and establishes the basis for enacting policies, programs and regulations pertaining to the long-term development of the municipality. A comprehensive plan may include the following elements:

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- 1 (1) a community profile, including:
2 (a) physical characteristics and
3 regional setting;
4 (b) historical background and cultural
5 resources;
6 (c) population and employment data; and
7 (d) a summary of community input
8 received during the plan development process;
- 9 (2) land use and housing, including:
10 (a) inventory of land use;
11 (b) housing characteristics,
12 affordability and needs; and
13 (c) goals, objectives and policies for
14 land use and housing development;
- 15 (3) transportation, including:
16 (a) roadway and rail networks;
17 (b) aviation facilities;
18 (c) public transit systems;
19 (d) pedestrian walkways and trails;
20 (e) parking availability; and
21 (f) goals, objectives and policies for
22 transportation and circulation in the area;
- 23 (4) water resources, including:
24 (a) surface and ground water resources;
25 (b) water supply systems;

1 (c) wastewater treatment systems;
2 (d) drainage and stormwater management
3 systems;

4 (e) agricultural activities; and
5 (f) goals, objectives and policies for
6 sustainable water resources;

7 (5) natural resources, including:
8 (a) geology and geography of the area;
9 (b) park land and open space;
10 (c) local ecosystem sustainability and
11 biodiversity; and

12 (d) goals, objectives and policies to
13 protect and preserve natural resources in the area;

14 (6) economic development, including:
15 (a) assessment of the local economy;
16 (b) business and commercial development
17 districts;

18 (c) tourism programs;
19 (d) adult education and work force
20 training; and

21 (e) goals, objectives and policies for
22 promoting local economic development;

23 (7) public facilities and services, including:
24 (a) government facilities;
25 (b) community services and programs;

- 1 (c) educational facilities;
- 2 (d) health care facilities;
- 3 (e) telecommunication and utility
- 4 systems;
- 5 (f) waste management systems;
- 6 (g) natural and man-made hazards to the
- 7 area;
- 8 (h) public safety and emergency
- 9 response; and
- 10 (i) goals, objectives and policies for
- 11 public facilities and services; and

12 (8) implementation, including:

- 13 (a) actions to achieve the goals,
- 14 objectives and policies stated in the comprehensive plan;
- 15 (b) priorities and timing of actions;
- 16 (c) estimated cost of actions; and
- 17 (d) conformance with related plans,
- 18 programs and regulations.

19 B. If a board of county commissioners delegates to
20 a planning commission the authority to carry out the provisions
21 of Chapter 4, Article 57 NMSA 1978 relating to a comprehensive
22 plan, the planning commission shall submit a recommendation on
23 the comprehensive plan to the board of the county
24 commissioners. Before submission of the comprehensive plan,
25 the planning commission shall hold at least one public hearing.

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1 Notice of the time and place of the hearing shall be published
2 at least fifteen days before the planning commission submits
3 the recommendation to the board of county commissioners. Prior
4 to publication of the notice, copies of the comprehensive plan
5 or any part thereof shall be made available to any citizen at
6 the office of the county clerk.

7 C. Before adoption of a comprehensive plan or any
8 part thereof, the board of county commissioners shall hold at
9 least one public hearing. Notice of the time and place of the
10 hearing shall be published at least fifteen days before the day
11 of the hearing. Prior to the publication of the notice, copies
12 of the comprehensive plan or any part thereof shall be made
13 available to any citizen at the office of the county clerk.

14 D. An adopted comprehensive plan provides guidance
15 for the following actions that may be undertaken by the
16 governing body:

17 (1) adopting or amending the zoning ordinance,
18 subdivision regulations, neighborhood or district plans, and
19 other land development regulations;

20 (2) establishing priorities and funding for
21 capital improvement programs and projects; and

22 (3) improving the delivery and efficiency of
23 local government services.

24 E. A comprehensive plan adopted by the county shall
25 be reviewed by the board of county commissioners at least once

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1 every five years. If necessary, the comprehensive plan shall
2 be updated to reflect changed circumstances regarding the
3 development of the subject area, subject to the notice and
4 hearing requirements pursuant to Subsection C of this section."

5 SECTION 10. Section 5-17-1 NMSA 1978 (being Laws 2009,
6 Chapter 136, Section 1) is amended to read:

7 "5-17-1. SHORT TITLE.--~~[This act]~~ Chapter 5, Article 17
8 NMSA 1978 may be cited as the "Infrastructure Development Zone
9 Act"."

10 SECTION 11. Section 5-17-7 NMSA 1978 (being Laws 2009,
11 Chapter 136, Section 7) is amended to read:

12 "5-17-7. ACTION ON PETITION AND SERVICE PLAN--CRITERIA.--

13 A. Within sixty days of a hearing held pursuant to
14 Section [~~4 of the Infrastructure Development Zone Act]~~ 5-17-4
15 NMSA 1978, the governing body shall disapprove the service
16 plan, approve the service plan as submitted or conditionally
17 approve the service plan subject to the submission of
18 additional information relating to or modifying the proposed
19 service plan.

20 B. The governing body shall disapprove the service
21 plan unless evidence, satisfactory to the governing body, is
22 presented that:

23 (1) the required number of taxpaying electors
24 of the proposed infrastructure development zone have signed the
25 petition;

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1 (2) there is sufficient existing or projected
2 need for organized service in the area to be serviced by the
3 proposed infrastructure development zone;

4 (3) the existing service in the area to be
5 served by the proposed infrastructure development zone is
6 inadequate for present or projected needs;

7 (4) the proposed infrastructure development
8 zone will be capable of providing economical and sufficient
9 service to the area within its proposed boundaries;

10 (5) the area to be included in the proposed
11 infrastructure development zone has, or will have, the
12 financial ability to discharge the proposed indebtedness on a
13 reasonable basis; and

14 (6) the proposed infrastructure development
15 within the infrastructure development zone is in compliance
16 with any applicable comprehensive [~~master~~] plan adopted
17 pursuant to [~~Section 3-19-9~~] Chapter 3, Article 19 or Chapter
18 4, Article 57 NMSA 1978.

19 C. The governing body may disapprove the service
20 plan if evidence, satisfactory to the governing body, and at
21 the discretion of the governing body, is not presented that:

22 (1) adequate service is not, or will not be,
23 available to the area through the municipality, county or other
24 existing political subdivisions, including existing
25 infrastructure development zones, within a reasonable time and

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1 on a comparable basis;

2 (2) the facility and service standards of the
3 proposed infrastructure development zone are compatible with
4 the facility and service standards of each county or
5 municipality within which the proposed infrastructure
6 development zone is to be located;

7 (3) the proposal is in compliance with any
8 existing municipal, county, regional or state long-range water
9 quality management plan for the area; or

10 (4) the creation of the proposed
11 infrastructure development zone will be in the best interests
12 of the area proposed to be served.

13 D. The governing body may conditionally approve the
14 service plan of a proposed infrastructure development zone upon
15 satisfactory evidence that it does not comply with one or more
16 of the criteria enumerated in Subsection C of this section.
17 Final approval shall be contingent upon modification of the
18 service plan to include such changes or additional information
19 as shall be specifically stated in the findings of the
20 governing body.

21 E. The findings of the governing body shall be
22 based solely upon the service plan and evidence presented at
23 the hearing by the petitioners and any interested party."

24 **SECTION 12.** Section 58-18-10 NMSA 1978 (being Laws 1975,
25 Chapter 303, Section 10, as amended) is amended to read:

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1 "58-18-10. PLANNING, ZONING AND BUILDING LAWS.--

2 A. All multiple-family dwelling projects and
3 transitional [~~and~~] or congregate housing facilities shall be
4 subject to any applicable [~~master~~] comprehensive plan, official
5 map, zoning regulation, building code, housing ordinance and
6 other laws and regulations governing land use or planning or
7 construction of the municipality in which the project is or is
8 to be located.

9 B. The authority shall provide a description of any
10 multiple-family dwelling project or transitional or congregate
11 housing facility for which it proposes to finance a project
12 mortgage loan to the local governing body of the municipality
13 in which the multiple-family dwelling project or transitional
14 or congregate housing facility is or is to be located. The
15 description shall include the proposed number and type of
16 dwelling units and the location of the project. Unless the
17 local governing body, by majority vote, disapproves the
18 multiple-family dwelling project or transitional or congregate
19 housing facility within thirty days after receipt of the
20 description, the authority may finance a project mortgage loan
21 on the project."

22 SECTION 13. Section 58-24-1 NMSA 1978 (being Laws 1983,
23 Chapter 300, Section 1) is amended to read:

24 "58-24-1. SHORT TITLE.-- [~~Sections 1 through 23 of this~~
25 ~~act~~] Chapter 58, Article 24 NMSA 1978 may be cited as the

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1 "Industrial and Agricultural Finance Authority Act"."

2 SECTION 14. Section 58-24-10 NMSA 1978 (being Laws 1983,
3 Chapter 300, Section 10) is amended to read:

4 "58-24-10. PLANNING, ZONING AND BUILDING LAWS.--All
5 projects and facilities shall be subject to any applicable
6 [~~master~~] comprehensive plan, official map, zoning regulation,
7 building code, ordinance and other laws and regulations
8 governing land use or planning or construction of the
9 municipality or county in which the project or facility is or
10 is to be located."

11 SECTION 15. REPEAL.--Sections 3-19-7, 3-19-9, 3-19-10 and
12 3-19-12 NMSA 1978 (being Laws 1965, Chapter 300, Sections
13 14-18-7, 14-18-9, 14-18-10 and 14-18-12, as amended) are
14 repealed.

15 SECTION 16. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2013.