

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 363

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Pauline K. Gubbels

AN ACT

RELATING TO LAND USE; ALLOWING LOCAL GOVERNMENTS TO PROVIDE
FOR TRANSFER OF DEVELOPMENT RIGHTS.

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

Section 1. A new section of Chapter 3, Article 19 NMSA
1978 is enacted to read:

" NEW MATERIAL TRANSFER OF DEVELOPMENT RIGHTS PROGRAM --

A. A municipality may include a transfer of
development rights program as part of its adopted master plan.
A municipality may enter into a joint powers agreement with
another municipality or county that has a transfer of
development rights program to allow the transfer of
development rights across jurisdictional boundaries.

B. As used in this section:

(1) "development right" means the right of a

underscored material = new
[bracketed material] = delete

1 property owner, pursuant to the master plan, to place a parcel
2 of land, including structures, to a particular use or to
3 develop land and structures to a particular density or
4 intensity of use, bulk or height;

5 (2) "transfer of development rights" means
6 the procedure whereby the owner of a parcel of land conveys
7 his development rights to the owner of a parcel of land in
8 another geographical or zoning area and thereby extinguishes
9 the development rights on the sending parcel through a
10 conservation easement filed with the county clerk that has the
11 sending parcel as the encumbered estate and the municipality
12 as the holder of the conservation easement; and

13 (3) "transfer of development rights program"
14 means a program in which rights to develop land may be
15 transferred from one geographical or zoning area to another as
16 specified in the master plan and on zoning maps of the
17 municipality. "

18 Section 2. A new section of Chapter 4, Article 57 NMSA
19 1978 is enacted to read:

20 "[NEW MATERIAL] TRANSFER OF DEVELOPMENT RIGHTS PROGRAM --

21 A. A county may include a transfer of development
22 rights program as part of its adopted master plan. A county
23 may enter into a joint powers agreement with another
24 municipality or county that has a transfer of development
25 rights program to allow the transfer of development rights

. 135197. 1

underscored material = new
[bracketed material] = delete

1 across jurisdictional boundaries.

2 B. As used in this section:

3 (1) "development right" means the right of a
4 property owner, pursuant to the master plan, to place a parcel
5 of land, including structures, to a particular use or to
6 develop land and structures to a particular density or
7 intensity of use, bulk or height;

8 (2) "transfer of development rights" means
9 the procedure whereby the owner of a parcel of land conveys
10 his development rights to the owner of a parcel of land in
11 another geographical or zoning area and thereby extinguishes
12 the development rights on the sending parcel through a
13 conservation easement filed with the county clerk that has the
14 sending parcel as the encumbered estate and the county as the
15 holder of the conservation easement; and

16 (3) "transfer of development rights program"
17 means a program in which rights to develop land may be
18 transferred from one geographical or zoning area to another as
19 specified in the master plan and on zoning maps of the
20 county. "